

Senate File 2389 - Reprinted

SENATE FILE 2389

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3258)

(As Amended and Passed by the Senate March 27, 2010)

A BILL FOR

1 An Act relating to and making, reducing, and transferring
2 appropriations to state departments and agencies from
3 the rebuild Iowa infrastructure fund, the technology
4 reinvestment fund, the revenue bonds capitals fund, the
5 revenue bonds capitals II fund, the FY 2009 prison bonding
6 fund, and other funds, creating the Iowa jobs II program,
7 and the revenue bonds federal subsidy holdback fund,
8 providing for related matters, and providing an effective
9 date.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

REBUILD IOWA INFRASTRUCTURE FUND

Section 1. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For distribution to other governmental entities for the payment of services related to the integrated information for Iowa system, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 3,700,000

Moneys appropriated in this lettered paragraph shall be separately accounted for in a distribution account and shall be distributed to other governmental entities based upon a formula established by the department to pay for services associated with the integrated information for Iowa system provided during the fiscal year by the department.

During the fiscal year, the department may use up to \$1,000,000 of unexpended or unobligated funds in the information technology operations fund established under the provisions of section 8A.123 to provide funding for costs associated with the integrated information for Iowa system. By October 31, 2011, the department shall report to the department of management and the legislative services agency regarding any moneys that are used for this purpose.

b. For costs associated with Mercy capitol hospital building operations, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 1,083,175

c. For the state's share of support in conjunction with the city of Des Moines and local area businesses to provide a free shuttle service to the citizens of Iowa that includes transportation between the capitol complex and the downtown

1 Des Moines area, notwithstanding section 8.57, subsection 6,
2 paragraph "c":

3 \$ 200,000

4 Details for the shuttle service, including the route to
5 be served, shall be determined pursuant to an agreement to
6 be entered into by the department with the Des Moines area
7 regional transit authority (DART) and any other participating
8 entities.

9 Of the amount appropriated in this lettered paragraph, up to
10 \$50,000 shall be used to encourage state employees to utilize
11 transit services provided by the Des Moines area regional
12 transit authority.

13 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

14 For the administration of the watershed improvement review
15 board established in section 466A.3, notwithstanding section
16 8.57, subsection 6, paragraph "c":

17 \$ 50,000

18 3. DEPARTMENT FOR THE BLIND

19 For costs associated with universal access to audio
20 information over the phone on demand for blind and print
21 handicapped Iowans, notwithstanding section 8.57, subsection
22 6, paragraph "c":

23 \$ 20,000

24 4. DEPARTMENT OF CULTURAL AFFAIRS

25 a. For continuation of the project recommended by the Iowa
26 battle flag advisory committee to stabilize the condition of
27 the battle flag collection, notwithstanding section 8.57,
28 subsection 6, paragraph "c":

29 \$ 60,000

30 b. For purposes of maintenance and repairs of historic
31 sites:

32 \$ 40,000

33 5. DEPARTMENT OF ECONOMIC DEVELOPMENT

34 a. For deposit in the workforce training and economic
35 development funds for each community college in section

1 260C.18A, notwithstanding section 8.57, subsection 6, paragraph
2 "c":
3 \$ 2,000,000
4 b. To the 6th avenue corridor for improvements to the
5 streetscape associated with the national mainstreet conference
6 and for additional architectural and engineering design
7 plans for economic development and community revitalization,
8 notwithstanding section 8.57, subsection 6, paragraph "c":
9 \$ 100,000
10 c. To develop site plans for the southeast Iowa regional
11 economic and port authority including plans for infrastructure
12 for economic development, notwithstanding section 8.57,
13 subsection 6, paragraph "c":
14 \$ 50,000
15 d. For equal distribution to regional sports authority
16 districts certified by the department pursuant to section
17 15E.321, notwithstanding section 8.57, subsection 6, paragraph
18 "c":
19 \$ 500,000
20 e. For administration and support of the world food prize
21 including the Borlaug/Ruan scholar program, notwithstanding
22 section 8.57, subsection 6, paragraph "c":
23 \$ 100,000
24 6. DEPARTMENT OF EDUCATION
25 To provide resources for structural and technological
26 improvements to local libraries and for the enrich Iowa
27 program, notwithstanding section 8.57, subsection 6, paragraph
28 "c":
29 \$ 500,000
30 Of the moneys appropriated in this subsection, \$50,000 shall
31 be allocated equally to each library service area.
32 7. DEPARTMENT OF NATURAL RESOURCES
33 a. For floodplain management and dam safety,
34 notwithstanding section 8.57, subsection 6, paragraph "c":
35 \$ 2,000,000

1 Of the amounts appropriated in this lettered paragraph,
 2 up to \$400,000 is authorized for stream gages to be used
 3 for tracking and predicting flood events and for compiling
 4 necessary data relating to flood frequency analysis.

5 b. For costs associated with the construction of a permanent
 6 structure for handicapped persons and senior citizens in a
 7 county with a population between 37,150 and 37,250:

8 \$ 40,000

9 c. For costs associated with the hiring and employment of an
 10 asset manager at Honey creek resort state park, notwithstanding
 11 section 8.57, subsection 6, paragraph "c":

12 \$ 100,000

13 The department shall issue a request for proposals to
 14 competitively procure the services of an asset manager which
 15 shall be selected by the natural resource commission. The
 16 asset manager shall have hospitality management experience
 17 of at least five years including at least three years asset
 18 management experience in a setting similar in size and quality
 19 to the Honey creek resort state park with a similar type of
 20 market. The duties and job responsibilities of the asset
 21 manager shall include but are not limited to reviewing and
 22 commenting on the resort's sales and marketing plan, providing
 23 for the operation of the resort in a manner consistent with
 24 the requirements and limitations set forth in the resort's
 25 operating agreement, monitoring and supervising the resort
 26 including site visits, and negotiating and recommending an
 27 annual operating budget and budget plan. The asset manager
 28 shall report to bond counsel, the governor, the Honey creek
 29 authority, the department of natural resources, and the
 30 legislative services agency.

31 8. DEPARTMENT OF PUBLIC DEFENSE

32 a. For major maintenance projects at national guard
 33 armories and facilities:

34 \$ 1,500,000

35 b. For renovation and facility improvements at the Iowa

1 Falls readiness center:
2 \$ 500,000
3 c. For renovation and facility improvements at the Cedar
4 Rapids armed forces readiness center:
5 \$ 200,000
6 d. For renovation and facility improvements at the
7 Middletown readiness center:
8 \$ 100,000
9 9. DEPARTMENT OF PUBLIC HEALTH
10 For a grant to an existing national affiliated volunteer eye
11 organization that has an established program for children and
12 adults and that is solely dedicated to preserving sight and
13 preventing blindness through education, nationally certified
14 vision screening and training, community and patient service
15 programs, notwithstanding section 8.57, subsection 6, paragraph
16 "c":
17 \$ 100,000
18 10. IOWA FINANCE AUTHORITY
19 For transfer to the Polk county housing trust fund for the
20 construction of facilities to meet the specialized needs of
21 adult persons with severe and profound disabilities who have
22 high medical needs:
23 \$ 250,000
24 11. STATE BOARD OF REGENTS
25 a. For allocation by the state board of regents to the
26 state university of Iowa, the Iowa state university of
27 science and technology, and the university of northern Iowa to
28 reimburse the institutions for deficiencies in the operating
29 funds resulting from the pledging of tuition, student fees
30 and charges, and institutional income to finance the cost of
31 providing academic and administrative buildings and facilities
32 and utility services at the institutions, notwithstanding
33 section 8.57, subsection 6, paragraph "c":
34 \$ 24,305,412
35 b. For the Iowa flood center at the state university of Iowa

1 for use by the university's college of engineering, pursuant
2 to section 466C.1, notwithstanding section 8.57, subsection 6,
3 paragraph "c":

4 \$ 1,300,000

5 c. To Iowa state university of science and technology to
6 purchase veterinary surgical and other equipment to modernize
7 the animal care facilities at the blank park zoo as part of
8 a cooperative effort of blank park zoo and the college of
9 veterinary medicine, notwithstanding section 8.57, subsection
10 6, paragraph "c":

11 \$ 400,000

12 12. TREASURER OF STATE

13 For county fair infrastructure improvements for distribution
14 in accordance with chapter 174 to qualified fairs which belong
15 to the association of Iowa fairs:

16 \$ 1,060,000

17 13. DEPARTMENT OF TRANSPORTATION

18 For infrastructure improvements at general aviation airports
19 within the state:

20 \$ 750,000

21 14. DEPARTMENT OF VETERANS AFFAIRS

22 For transfer to the Iowa finance authority for the
23 continuation of the home ownership assistance program for
24 persons who are or were eligible members of the armed forces of
25 the United States, pursuant to section 16.54, notwithstanding
26 section 8.57, subsection 6, paragraph "c":

27 \$ 1,000,000

28 Sec. 2. There is appropriated from the rebuild Iowa
29 infrastructure fund to the following departments and agencies
30 for the following fiscal years, the following amounts, or so
31 much thereof as is necessary, to be used for the purposes
32 designated:

33 1. DEPARTMENT OF CORRECTIONS

34 For project management costs at Fort Madison and
35 Mitchellville prisons, associated with construction projects

1 at the department, notwithstanding section 8.57, subsection 6,
2 paragraph "c":

| | |
|---------------------|--------------|
| 3 FY 2011-2012..... | \$ 4,500,000 |
| 4 FY 2012-2013..... | \$ 1,000,000 |
| 5 FY 2013-2014..... | \$ 200,000 |

6 2. DEPARTMENT OF NATURAL RESOURCES

7 For state park infrastructure improvements:

| | |
|----------------------|--------------|
| 8 FY 2011-2012..... | \$ 5,000,000 |
| 9 FY 2012-2013..... | \$ 5,000,000 |
| 10 FY 2013-2014..... | \$ 5,000,000 |
| 11 FY 2014-2015..... | \$ 5,000,000 |

12 3. DEPARTMENT OF TRANSPORTATION

13 For deposit into the passenger rail service revolving
14 fund created in section 327J.2 for matching federal funding
15 available through the federal Passenger Rail Investment
16 and Improvement Act of 2008 for passenger rail service,
17 notwithstanding section 8.57, subsection 6, paragraph "c":

| | |
|----------------------|--------------|
| 18 FY 2011-2012..... | \$ 6,500,000 |
|----------------------|--------------|

19 It is the intent of the general assembly to fund up to
20 \$20 million over a four-year period to fully fund the state
21 commitment for matching federal funding available through the
22 federal Passenger Rail Investment and Improvement Act of 2008.

23 Sec. 3. REVERSION. For purposes of section 8.33, unless
24 specifically provided otherwise, unencumbered or unobligated
25 moneys made from an appropriation in this division of this Act
26 shall not revert but shall remain available for expenditure for
27 the purposes designated until the close of the fiscal year that
28 ends three years after the end of the fiscal year for which the
29 appropriation was made. However, if the project or projects
30 for which such appropriation was made are completed in an
31 earlier fiscal year, unencumbered or unobligated moneys shall
32 revert at the close of that same fiscal year.

33

DIVISION II

34

TECHNOLOGY REINVESTMENT FUND

35 Sec. 4. There is appropriated from the technology

1 reinvestment fund created in section 8.57C to the following
2 departments and agencies for the fiscal year beginning July
3 1, 2010, and ending June 30, 2011, the following amounts, or
4 so much thereof as is necessary, to be used for the purposes
5 designated:

6 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

7 For technology improvement projects:

8 \$ 3,793,654

9 2. DEPARTMENT OF CORRECTIONS

10 For costs associated with the Iowa corrections offender
11 network data system:

12 \$ 500,000

13 3. DEPARTMENT OF EDUCATION

14 a. For maintenance and lease costs associated with
15 connections for Part III of the Iowa communications network:

16 \$ 2,727,000

17 b. For the implementation of an educational data warehouse
18 that will be utilized by teachers, parents, school district
19 administrators, area education agency staff, department of
20 education staff, and policymakers:

21 \$ 600,000

22 The department may use a portion of the moneys appropriated
23 in this lettered paragraph for an e-transcript data system
24 capable of tracking students throughout their education via
25 interconnectivity with multiple schools.

26 4. DEPARTMENT OF PUBLIC HEALTH

27 For deposit in the county mental health, mental retardation,
28 and developmental disabilities services fund created by section
29 331.424A in a county with a population over 350,000 for a
30 community mental health center created under chapter 230A which
31 serves only adults:

32 \$ 250,000

33 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

34 For replacement of equipment for the Iowa communications
35 network:

1 \$ 2,244,956

2 The commission may continue to enter into contracts pursuant
3 to section 8D.13 for the replacement of equipment and for
4 operations and maintenance costs of the network.

5 In addition to moneys appropriated in this subsection,
6 the commission may use a financing agreement entered into by
7 the treasurer of state in accordance with section 12.28 for
8 the replacement of equipment for the network. For purposes
9 of this subsection, the treasurer of state is not subject to
10 the maximum principal limitation contained in section 12.28,
11 subsection 6. Repayment of any amounts financed shall be made
12 from receipts associated with fees charged for use of the
13 network.

14 Sec. 5. REVERSION. For purposes of section 8.33, unless
15 specifically provided otherwise, unencumbered or unobligated
16 moneys made from an appropriation in this division of this Act
17 shall not revert but shall remain available for expenditure for
18 the purposes designated until the close of the fiscal year that
19 ends three years after the end of the fiscal year for which the
20 appropriation was made. However, if the project or projects
21 for which such appropriation was made are completed in an
22 earlier fiscal year, unencumbered or unobligated moneys shall
23 revert at the close of that same fiscal year.

24 DIVISION III

25 REVENUE BONDS CAPITALS FUND — APPROPRIATIONS

26 Sec. 6. There is appropriated from the revenue bonds
27 capitals fund created in section 12.88, to the following
28 departments and agencies for the fiscal year beginning July
29 1, 2010, and ending June 30, 2011, the following amounts, or
30 so much thereof as is necessary, to be used for the purposes
31 designated:

32 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

33 For projects related to major repairs and major maintenance
34 for state buildings and facilities:

35 \$ 3,000,000

1 Moneys appropriated in this subsection shall not be used
2 for purposes of the renovation of the Mercy capitol hospital
3 building.

4 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

5 a. To the soil conservation division of the department
6 established in section 161A.4 to provide financial assistance
7 for the establishment of permanent soil and water conservation
8 practices:

9 \$ 1,000,000

10 b. Not more than 5 percent of the moneys appropriated
11 in paragraph "a" may be allocated for cost sharing to abate
12 complaints filed under section 161A.47.

13 c. Of the moneys appropriated in paragraph "a", 5 percent
14 shall be allocated for financial incentives to establish
15 practices to protect watersheds above publicly owned lakes of
16 the state from soil erosion and sediment as provided in section
17 161A.73.

18 d. Not more than 30 percent of a soil and water conservation
19 district's allocation of moneys as financial incentives may be
20 provided for the purpose of establishing management practices
21 to control soil erosion on land that is row cropped, including
22 but not limited to no-till planting, ridge-till planting,
23 contouring, and contour strip-cropping as provided in section
24 161A.73.

25 e. The state soil conservation committee created in section
26 161A.4 may allocate moneys appropriated in paragraph "a"
27 to conduct research and demonstration projects to promote
28 conservation tillage and nonpoint source pollution control
29 practices.

30 f. The allocation of moneys as financial incentives as
31 provided in section 161A.73 may be used in combination with
32 moneys allocated by the department of natural resources.

33 g. Moneys appropriated in this subsection shall not be used
34 for administrative or planning purposes.

35 3. DEPARTMENT OF CULTURAL AFFAIRS

1 For grants for Iowa great places program projects:
 2 \$ 2,000,000
 3 4. DEPARTMENT OF CORRECTIONS
 4 a. For one-time costs associated with the opening of
 5 community-based corrections facilities including the purchase
 6 of equipment:
 7 \$ 1,519,048
 8 b. For use by a city with a population between 198,000 and
 9 199,000 for a safety barrier to be constructed in the natural
 10 environment between the fifth judicial district facility and
 11 the blank park zoo:
 12 \$ 1,000,000
 13 c. For project management costs at Fort Madison and
 14 Mitchellville prisons associated with construction projects at
 15 the department:
 16 \$ 2,200,000
 17 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
 18 To the Des Moines area regional transit authority (DART) for
 19 construction of a regional transit hub for economic development
 20 purposes and for providing public transportation in a city with
 21 a population between 198,000 and 199,000 in the last preceding
 22 certified federal census:
 23 \$ 4,000,000
 24 6. DEPARTMENT OF NATURAL RESOURCES
 25 For implementation of lake projects that have established
 26 watershed improvement initiatives and community support in
 27 accordance with the department's annual lake restoration plan
 28 and report:
 29 \$ 7,000,000
 30 Of the amount appropriated in this subsection, \$250,000
 31 shall be allocated for dredging, reconstruction, and related
 32 improvements of twin ponds adjacent to a nature center in a
 33 county with a population between 13,050, and 13,100.
 34 Of the amount appropriated in this subsection, \$2,000,000
 35 shall be allocated for costs associated with dam construction;

1 shoreline protection; boat ramp, parking, and road
2 construction; and an in-lake fishing habitat development
3 project for a new state recreation area on a lake located in a
4 county with a population between 155,000 and 160,000.

5 Of the amount appropriated in this subsection, \$100,000
6 shall be allocated for lake dredging and related improvements
7 including ongoing dam maintenance and operation on a lake with
8 public access that has the support of a benefited lake district
9 located in a county with a population between 18,350 and 18,450
10 in the last preceding federal census.

11 7. STATE BOARD OF REGENTS

12 For phase II of the construction and renovation of the
13 veterinary medical facilities at Iowa state university of
14 science and technology, specifically the renovation and
15 modernization of the area formerly occupied by the large animal
16 area of the teaching hospital for expanded clinical services:
17 \$ 13,000,000

18 8. IOWA STATE FAIR

19 For infrastructure improvements to the Iowa state
20 fairgrounds including but not limited to the construction of an
21 agricultural exhibition center on the Iowa state fairgrounds:
22 \$ 2,500,000

23 9. IOWA FINANCE AUTHORITY

24 For grants for purposes of the housing trust fund created in
25 section 16.181:
26 \$ 2,000,000

27 Sec. 7. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

28 1. Payment of moneys from the appropriations in this
29 division of this Act shall be made in a manner that does not
30 adversely affect the tax-exempt status of any outstanding bonds
31 issued by the treasurer of state.

32 2. Payment of moneys from the appropriations in this
33 division of this Act shall not be used for administrative or
34 planning purposes.

35 Sec. 8. REVERSION. For purposes of section 8.33, unless

1 specifically provided otherwise, unencumbered or unobligated
 2 moneys made from an appropriation in this division of this Act
 3 shall not revert but shall remain available for expenditure for
 4 the purposes designated until the close of the fiscal year that
 5 ends three years after the end of the fiscal year for which the
 6 appropriation was made. However, if the project or projects
 7 for which such appropriation was made are completed in an
 8 earlier fiscal year, unencumbered or unobligated moneys shall
 9 revert at the close of that same fiscal year.

10

DIVISION IV

11

REVENUE BONDS CAPITALS II FUND — APPROPRIATIONS

12

Sec. 9. NEW SECTION. **12.88A Revenue bonds capitals II fund.**

13

14 1. A revenue bonds capitals II fund is created and
 15 established as a separate and distinct fund in the state
 16 treasury. The treasurer of state shall act as custodian of the
 17 fund and disburse moneys contained in the fund.

18

19 2. Revenue for the revenue bonds capitals II fund shall
 20 include but is not limited to the following, which shall be
 21 deposited with the treasurer of state or the treasurer of
 22 state's designee as provided by any bond or security documents
 23 and credited to the fund:

24

25 *a.* The net proceeds of bonds issued after July 1, 2010,
 26 pursuant to section 12.87 other than bonds issued for the
 27 purpose of refunding such bonds, and investment earnings on the
 28 net proceeds.

29

30 *b.* Interest attributable to investment of moneys in the fund
 31 or an account of the fund.

32

33 *c.* Moneys in the form of a devise, gift, bequest, donation,
 34 federal or other grant, reimbursement, repayment, judgment,
 35 transfer, payment, or appropriation from any source intended to
 be used for the purposes of the fund.

36

37 3. Moneys in the revenue bonds capitals II fund are not
 38 subject to section 8.33. Notwithstanding section 12C.7,
 39 subsection 2, interest or earnings on moneys in the fund shall
 40 be credited to the fund.

1 4. Annually, on or before January 15 of each year, a state
 2 agency that received an appropriation from the revenue bonds
 3 capitals II fund shall report to the legislative services
 4 agency and the department of management the status of all
 5 projects completed or in progress. The report shall include
 6 a description of the project, the work completed, the total
 7 estimated cost of the project, a list of all revenue sources
 8 being used to fund the project, the amount of funds expended,
 9 the amount of funds obligated, and the date the project was
 10 completed or an estimated completion date of the project, where
 11 applicable.

12 Sec. 10. There is appropriated from the revenue bonds
 13 capitals II fund created in section 12.88A to the following
 14 departments and agencies for the fiscal year beginning July
 15 1, 2010, and ending June 30, 2011, the following amounts, or
 16 so much thereof as is necessary, to be used for the purposes
 17 designated:

18 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

19 a. To the soil conservation division of the department
 20 established in section 161A.4 to provide financial assistance
 21 for the establishment of permanent soil and water conservation
 22 practices:

23 \$ 5,950,000

24 (1) Not more than 5 percent of the moneys appropriated in
 25 this paragraph "a" may be allocated for cost sharing to abate
 26 complaints filed under section 161A.47.

27 (2) Of the moneys appropriated in this paragraph "a",
 28 5 percent shall be allocated for financial incentives to
 29 establish practices to protect watersheds above publicly owned
 30 lakes of the state from soil erosion and sediment as provided
 31 in section 161A.73.

32 (3) Not more than 30 percent of a soil and water
 33 conservation district's allocation of moneys as financial
 34 incentives may be provided for the purpose of establishing
 35 management practices to control soil erosion on land that is

1 row cropped, including but not limited to no-till planting,
2 ridge-till planting, contouring, and contour strip-cropping as
3 provided in section 161A.73.

4 (4) The state soil conservation committee created in
5 section 161A.4 may allocate moneys appropriated in paragraph
6 "a" to conduct research and demonstration projects to promote
7 conservation tillage and nonpoint source pollution control
8 practices.

9 (5) The allocation of moneys as financial incentives as
10 provided in section 161A.73 may be used in combination with
11 moneys allocated by the department of natural resources.

12 (6) Moneys appropriated in this paragraph "a" shall not be
13 used for administrative or planning purposes.

14 b. For grants under the conservation reserve enhancement
15 program to improve water quality and intercept nitrates:

16 \$ 2,500,000

17 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

18 a. For deposit into the community attraction and tourism
19 fund created in section 15F.204:

20 \$ 12,000,000

21 b. For deposit into the river enhancement community
22 attraction and tourism fund created in section 15F.205:

23 \$ 4,000,000

24 Moneys appropriated for grants awarded in paragraphs "a" and
25 "b" shall be used to assist communities in the development and
26 creation of multiple purpose attractions or community service
27 facilities for public use.

28 c. For accelerated career education program capital
29 projects at community colleges that are authorized under
30 chapter 260G and that meet the definition of vertical
31 infrastructure in section 8.57, subsection 6, paragraph "c":
32 \$ 5,500,000

33 d. For the main street Iowa program to be used as grants
34 for projects that have previously applied for funding
35 consideration, or have received partial funding for facade

1 master plans to rehabilitate storefronts in main street Iowa
2 districts, to complete streetscape projects where planning
3 and the majority of funding is already secured, for unfunded
4 main street challenge grant projects, and for other building
5 rehabilitation projects that are currently on the department's
6 highest priority list:

7 \$ 8,450,000

8 Moneys appropriated in this lettered paragraph shall not be
9 used for administration or planning purposes.

10 Of the amount appropriated in this lettered paragraph,
11 \$300,000 shall be allocated to a city with a population between
12 25,100 and 25,200 in the last preceding certified federal
13 census for a redevelopment project that includes improvements
14 and modifications to streets and storm sewers in both the
15 downtown and mall areas of the city.

16 e. To north Iowa area community college (merged area II)
17 for the construction of a small business center for economic
18 development:

19 \$ 1,500,000

20 f. To kirkwood community college (merged area X) for
21 the construction of a small business center for economic
22 development:

23 \$ 1,200,000

24 3. DEPARTMENT OF EDUCATION

25 For major renovation and major repair needs, including
26 health, life, and fire safety needs and for compliance with the
27 federal Americans with Disabilities Act, for state buildings
28 and facilities under the purview of the community colleges:

29 \$ 2,000,000

30 4. IOWA FINANCE AUTHORITY

31 a. To the Iowa jobs board created in section 16.191 for
32 disaster relief and mitigation renovation and construction
33 projects:

34 \$ 30,900,000

35 The moneys appropriated in this paragraph "a" shall be

1 allocated as follows:

2 (1) To a county with a population between 189,000 and
3 196,000 in the last preceding certified federal census for the
4 renovation and expansion of an administrative office building:
5 \$ 4,400,000

6 (2) To a city with a population between 120,500 and 120,800
7 in the last preceding certified federal census, for the
8 following projects:

9 (a) For renovation of an existing public building to make
10 the building useful for city department offices:
11 \$ 4,400,000

12 (b) For flood mitigation or renovation in and around an
13 existing courthouse:
14 \$ 2,000,000

15 (3) To a city with a population between 198,000 and 199,000
16 in the last preceding certified federal census to be allocated
17 as follows:

18 (a) For site acquisition, design, engineering, and
19 construction of a fire training and logistics center:
20 \$ 3,000,000

21 (b) For land acquisition, design, and construction of
22 sewers, structures, and pumping facilities necessary to
23 separate and convey sewer flow within the riverpoint service
24 area:
25 \$ 1,250,000

26 (c) For land acquisition, design, and construction of
27 sewers, structures, and pumping facilities necessary to
28 separate or convey sewer flow within the Court avenue service
29 area:
30 \$ 3,050,000

31 (d) For bank stabilization, stream bed stabilization, and
32 erosion control on highly erodible ground that is impacting
33 utilities, road infrastructure, and water quality:
34 \$ 700,000

35 (e) To improve utilization of two of the wastewater

1 reclamation authority's existing equalization basins for
2 the control of peak flows during wet weather events in the
3 authority's sewer system:
4 \$ 500,000
5 (4) For a publicly owned acute care teaching hospital
6 located in a county with a population of over 350,000, for
7 the construction and renovation of patient access and care
8 facilities, equipment replacement and upgrades, and other
9 infrastructure improvements:
10 \$ 1,000,000
11 (5) For a city with a population between 98,300 and 98,400
12 in the last preceding certified federal census, for flood
13 protection, replacement, and construction improvements to a
14 recreational sports facility:
15 \$ 1,050,000
16 (6) For a city with a population between 68,700 and
17 68,800 in the last preceding certified federal census, for a
18 public works building that will allow the city to provide for
19 disaster-related services:
20 \$ 5,000,000
21 (7) For a city with a population between 62,100 and
22 62,250 in the last preceding certified federal census, for
23 the demolition, relocation, and reconstruction of a public
24 wastewater treatment plant and the development of a public
25 green space:
26 \$ 2,000,000
27 (8) For a city with a population between 2,545 and 2,555 in
28 the last preceding certified federal census, for a streetscape
29 project that reconstructs existing horizontal infrastructure
30 and lighting systems utilizing sustainable development
31 practices:
32 \$ 1,175,000
33 (9) For a city with a population between 2,200 and 2,220 in
34 the last preceding certified federal census, for construction
35 of a public city building:

1 \$ 475,000
2 (10) For a city with a population between 2,558 and 2,565
3 in the last preceding certified federal census, for the
4 installation of backflow prevention devices for the city's
5 storm sewer system:
6 \$ 600,000
7 (11) For a city with a population between 6,875 and 6,890
8 in the last preceding certified federal census, for the
9 construction of grade control structures and associated grading
10 to mitigate future water damage to residential structures:
11 \$ 300,000
12 b. To the Iowa jobs board for a disaster prevention program
13 created in section 16.194A for grants for cities and counties
14 that apply smart planning principles and guidelines pursuant to
15 sections 18B.1 and 18B.2, as enacted in this Act:
16 \$ 30,000,000
17 5. DEPARTMENT OF NATURAL RESOURCES
18 a. For state park infrastructure improvements:
19 \$ 5,000,000
20 Of the amount appropriated in this lettered paragraph,
21 \$100,000 shall be allocated for the renovation of a clubhouse
22 on a lake in a county with a population between 20,200 and
23 20,250 in the last preceding certified federal census.
24 b. For implementation of lake projects that have
25 established watershed improvement initiatives and community
26 support in accordance with the department's annual lake
27 restoration plan and report:
28 \$ 3,000,000
29 6. STATE BOARD OF REGENTS
30 a. For costs associated with the construction and
31 establishment of the Iowa institute for biomedical discovery at
32 the state university of Iowa:
33 \$ 10,000,000
34 b. For deposit into the alternate energy revolving loan
35 fund created in section 476.46 to encourage the development

1 of alternate energy production facilities and small hydro
2 facilities, as defined in section 476.42, within the state:

3 \$ 5,000,000

4 Any award of loans to private individuals or organizations
5 must be for the public purpose of encouraging the development
6 of alternate energy production facilities and small hydro
7 facilities within the state in order to conserve finite and
8 expensive energy resources and to provide for their most
9 efficient use. Funds from bond proceeds shall not be used for
10 administration or planning purposes. These moneys, and any
11 loan repayments, shall be maintained in separate accounts and
12 shall only be used for these public purposes.

13 7. DEPARTMENT OF TRANSPORTATION

14 a. For grants for rail projects including wind energy rail
15 port projects that provide assistance consistent with the
16 purposes of section 327H.20A:

17 \$ 7,500,000

18 Grants awarded pursuant to this lettered paragraph shall
19 meet all of the following selection criteria:

20 (1) Be located in or adjacent to a rail industrial park.

21 (2) Be a facility that serves multiple industrial clients
22 with one rail infrastructure investment.

23 (3) Accommodate building and loading a complete unit train
24 in the rail port.

25 (4) Have connection tracks with adequate clearances to
26 transport large components.

27 (5) Be located in an area with short unimpeded access for
28 oversized wind components to a divided four-lane highway.

29 A grant awarded for a project under this lettered
30 paragraph "a" shall not exceed more than forty percent of the
31 appropriation in this lettered paragraph.

32 Priority in the awarding of grants shall be given to
33 communities that have experienced exceptional economic
34 setbacks. An additional preference shall be given to a county
35 that has lost nine percent of its workforce to a permanent

1 factory closing where the laid off workers are trade adjustment
2 assistance eligible.

3 b. For the public transit infrastructure grant program in
4 section 324A.6A:

5 \$ 2,000,000

6 c. For infrastructure improvements at the commercial air
7 service airports within the state:

8 \$ 1,500,000

9 Fifty percent of the funds appropriated in this lettered
10 paragraph shall be allocated equally between each commercial
11 air service airport, forty percent of the funds shall be
12 allocated based on the percentage that the number of enplaned
13 passengers at each commercial air service airport bears to the
14 total number of enplaned passengers in the state during the
15 previous fiscal year, and ten percent of the funds shall be
16 allocated based on the percentage that the air cargo tonnage
17 at each commercial air service airport bears to the total air
18 cargo tonnage in the state during the previous fiscal year. In
19 order for a commercial air service airport to receive funding
20 under this lettered paragraph, the airport shall be required
21 to submit applications for funding of specific projects to the
22 department for approval by the state transportation commission.

23 d. For infrastructure projects relating to functionally
24 obsolete and structurally deficient bridges:

25 \$ 10,000,000

26 8. TREASURER OF STATE

27 For transfer to the watershed improvement review board
28 created in section 466A.3 for grants associated with the
29 construction and restoration of wetland easements and flood
30 prevention projects:

31 \$ 2,000,000

32 Notwithstanding section 466A.5, moneys from the
33 appropriation in this subsection shall not be used for
34 administrative purposes.

35 Sec. 11. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

1 1. Payment of moneys from the appropriations in this
2 division of this Act shall be made in a manner that does not
3 adversely affect the tax-exempt status of any outstanding bonds
4 issued by the treasurer of state.

5 2. Payment of moneys from the appropriations in this
6 division of this Act shall not be used for administrative or
7 planning purposes.

8 Sec. 12. REVERSION. For purposes of section 8.33, unless
9 specifically provided otherwise, unencumbered or unobligated
10 moneys made from an appropriation in this division of this Act
11 shall not revert but shall remain available for expenditure for
12 the purposes designated until the close of the fiscal year that
13 ends three years after the end of the fiscal year for which the
14 appropriation was made. However, if the project or projects
15 for which such appropriation was made are completed in an
16 earlier fiscal year, unencumbered or unobligated moneys shall
17 revert at the close of that same fiscal year.

18 DIVISION V

19 PRISON BONDING

20 Sec. 13. There is appropriated from the FY 2009 prison
21 bonding fund created pursuant to section 12.79 to the
22 department of corrections for the fiscal year beginning July
23 1, 2010, and ending June 30, 2011, the following amount, or
24 so much thereof as is necessary, to be used for the purpose
25 designated:

26 For costs associated with the building of a new Iowa State
27 penitentiary at Fort Madison:

28 \$ 322,500

29 The appropriation made in this section constitutes approval
30 by the general assembly for the issuance of bonds by the
31 treasurer of state pursuant to section 12.80.

32 Sec. 14. REVERSION. For purposes of section 8.33, unless
33 specifically provided otherwise, unencumbered or unobligated
34 moneys made from an appropriation in this division of this Act
35 shall not revert but shall remain available for expenditure for

1 the purposes designated until the close of the fiscal year that
 2 ends three years after the end of the fiscal year for which the
 3 appropriation was made. However, if the project or projects
 4 for which such appropriation was made are completed in an
 5 earlier fiscal year, unencumbered or unobligated moneys shall
 6 revert at the close of that same fiscal year.

7

DIVISION VI

8 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND —
 9 DEPARTMENT OF TRANSPORTATION

10 Sec. 15. There is appropriated from the Iowa comprehensive
 11 petroleum underground storage tank fund to the department of
 12 transportation for the fiscal year beginning July 1, 2010, and
 13 ending June 30, 2011, the following amount, or so much thereof
 14 as is necessary, to be used for the purposes designated:

15 Notwithstanding section 455G.3, subsection 1, for deposit in
 16 the passenger rail service revolving fund created in section
 17 327J.2:

18 \$ 2,000,000

19 Such funds shall be coupled with the remaining unobligated
 20 balance of up to one million five hundred thousand dollars from
 21 the appropriation made in 2009 Iowa Acts, chapter 184, section
 22 1, subsection 12, paragraph "a", for a total commitment of
 23 three million five hundred thousand dollars for the fiscal year
 24 beginning July 1, 2010, and ending June 30, 2011, for matching
 25 federal funding available through the Passenger Rail Investment
 26 and Improvement Act of 2008.

27

DIVISION VII

28

SMART PLANNING

29 Sec. 16. NEW SECTION. 18B.1 Iowa smart planning principles.

30 State agencies, local governments, and other public entities
 31 shall consider and may apply the following principles during
 32 deliberation of all appropriate planning, zoning, development,
 33 and resource management decisions, except that nothing in
 34 this section shall be construed to expand the eminent domain
 35 authority of a state agency, local government, or other public

1 entity beyond that which is authorized under chapter 6A or 6B:

2 1. *Collaboration.* Governmental, community, and individual
3 stakeholders, including those outside the jurisdiction of the
4 entity, are encouraged to be involved and provide comment
5 during deliberation of planning, zoning, development, and
6 resource management decisions and during implementation of such
7 decisions. The state agency, local government, or other public
8 entity is encouraged to develop and implement a strategy to
9 facilitate such participation.

10 2. *Efficiency, transparency, and consistency.* Planning,
11 zoning, development, and resource management should be
12 undertaken to provide efficient, transparent, and consistent
13 outcomes. Individuals, communities, regions, and governmental
14 entities should share in the responsibility to promote the
15 equitable distribution of development benefits and costs.

16 3. *Clean, renewable, and efficient energy.* Planning, zoning,
17 development, and resource management should be undertaken to
18 promote clean and renewable energy use and increased energy
19 efficiency.

20 4. *Occupational diversity.* Planning, zoning, development,
21 and resource management should promote increased diversity
22 of employment and business opportunities, promote access to
23 education and training, expand entrepreneurial opportunities,
24 and promote the establishment of businesses in locations near
25 existing housing, infrastructure, and transportation.

26 5. *Revitalization.* Planning, zoning, development, and
27 resource management should facilitate the revitalization
28 of established town centers and neighborhoods by promoting
29 development that conserves land, protects historic resources,
30 promotes pedestrian accessibility, and integrates different
31 uses of property. Remediation and reuse of existing
32 sites, structures, and infrastructure is preferred over new
33 construction in undeveloped areas.

34 6. *Housing diversity.* Planning, zoning, development, and
35 resource management should encourage diversity in the types

1 of available housing, support the rehabilitation of existing
2 housing, and promote the location of housing near public
3 transportation and employment centers.

4 7. *Community character.* Planning, zoning, development, and
5 resource management should promote activities and development
6 that are consistent with the character and architectural style
7 of the community and should respond to local values regarding
8 the physical character of the community.

9 8. *Natural resources and agricultural protection.*
10 Planning, zoning, development, and resource management should
11 emphasize protection, preservation, and restoration of natural
12 resources, agricultural land, and cultural and historic
13 landscapes, and should increase the availability of open spaces
14 and recreational facilities.

15 9. *Sustainable design.* Planning, zoning, development, and
16 resource management should promote developments, buildings, and
17 infrastructure that utilize sustainable design and construction
18 standards and conserve natural resources by reducing waste and
19 pollution through efficient use of land, energy, water, air,
20 and materials.

21 10. *Transportation diversity.* Planning, zoning,
22 development, and resource management should promote expanded
23 transportation options for residents of the community.
24 Consideration should be given to transportation options that
25 maximize mobility, reduce congestion, conserve fuel, and
26 improve air quality.

27 Sec. 17. NEW SECTION. 18B.2 **Local comprehensive planning**
28 **and development guidelines.**

29 1. For the purposes of this chapter, unless the context
30 otherwise requires:

31 a. (1) "*Development*" means any of the following:

32 (a) Construction, reconstruction, renovation, mining,
33 extraction, dredging, filling, excavation, or drilling activity
34 or operation.

35 (b) Man-made changes in the use or appearance of any

1 structure or in the land itself.

2 (c) The division or subdivision of land.

3 (d) Any change in the intensity of use or the use of land.

4 (2) "*Development*" does not include any of the following:

5 (a) Activities on or uses of agricultural land, farm houses,
6 or agricultural buildings or structures, unless such buildings
7 or structures are located in the flood plain of a river or
8 stream.

9 (b) Installation, operation, and maintenance of soil and
10 water conservation practices.

11 (c) The choice of crops or a change in the choice of crops
12 on agricultural land.

13 *b. "Land development regulations"* means zoning, subdivision,
14 site plan, corridor map, floodplain or storm water ordinances,
15 rules, or regulations, or other governmental controls that
16 affect the use of property.

17 *c. "Municipality"* means a city or a county.

18 2. A municipality shall consider the smart planning
19 principles under section 18B.1 and may include the following
20 information, if applicable, when developing or amending
21 a comprehensive plan under chapter 335 or chapter 414 or
22 when developing or amending other local land development
23 regulations:

24 *a.* Information relating to public participation during
25 the creation of the comprehensive plan or land development
26 regulations, including documentation of the public
27 participation process, a compilation of objectives, policies,
28 and goals identified in the public comment received, and
29 identification of the groups or individuals comprising any work
30 groups or committees that were created to assist the planning
31 and zoning commission or other appropriate decision-making body
32 of the municipality.

33 *b.* Information relating to the primary characteristics
34 of the municipality and a description of how each of those
35 characteristics impacts future development of the municipality.

1 Such information may include historical information about
2 the municipality, the municipality's geography, natural
3 resources, natural hazards, population, demographics, types of
4 employers and industry, labor force, political and community
5 institutions, housing, transportation, educational resources,
6 and cultural and recreational resources. The comprehensive
7 plan or land development regulations may also identify
8 characteristics and community aesthetics that are important to
9 future development of the municipality.

10 *c.* Objectives, information, and programs that identify
11 current land uses within the municipality and that guide the
12 future development and redevelopment of property, consistent
13 with the municipality's characteristics identified under
14 paragraph "b". The comprehensive plan or land development
15 regulations may include information on the amount, type,
16 intensity, and density of existing land use, trends in
17 the market price of land used for specific purposes, and
18 plans for future land use throughout the municipality. The
19 comprehensive plan or land development regulations may identify
20 and include information on property that has the possibility
21 for redevelopment, a map of existing and potential land use
22 and land use conflicts, information and maps relating to
23 the current and future provision of utilities within the
24 municipality, information and maps that identify the current
25 and future boundaries for areas reserved for soil conservation,
26 water supply conservation, flood control, and surface water
27 drainage and removal. Information provided under this
28 paragraph may also include an analysis of the current and
29 potential impacts on local watersheds and air quality.

30 *d.* Objectives, policies, and programs to further the
31 vitality and character of established residential neighborhoods
32 and new residential neighborhoods and plans to ensure an
33 adequate housing supply that meets both the existing and
34 forecasted housing demand. The comprehensive plan or land
35 development regulations may include an inventory and analysis

1 of the local housing stock and may include specific information
2 such as age, condition, type, market value, occupancy, and
3 historical characteristics of all the housing within the
4 municipality. The comprehensive plan or land development
5 regulations may identify specific policies and programs that
6 promote the development of new housing and maintenance or
7 rehabilitation of existing housing and that provide a range of
8 housing choices that meet the needs of the residents of the
9 municipality.

10 *e.* Objectives, policies, and programs to guide future
11 development of sanitary sewer service, storm water management,
12 water supply, solid waste disposal, wastewater treatment
13 technologies, recycling facilities, and telecommunications
14 facilities. The comprehensive plan or land development
15 regulations may include estimates regarding future demand for
16 such utility services.

17 *f.* Objectives, policies, and programs to guide the future
18 development of a safe, convenient, efficient, and economical
19 transportation system. Plans for such a transportation system
20 may be coordinated with state and regional transportation
21 plans and take into consideration the need for diverse modes
22 of transportation, accessibility, improved air quality, and
23 interconnectivity of the various modes of transportation.

24 *g.* Objectives, policies, and programs to promote the
25 stabilization, retention, or expansion of economic development
26 and employment opportunities. The comprehensive plan or land
27 development regulations may include an analysis of current
28 industries and economic activity and identify economic growth
29 goals for the municipality. The comprehensive plan or land
30 development regulations may also identify locations for future
31 brownfield or grayfield development.

32 *h.* Objectives, policies, and programs addressing
33 preservation and protection of agricultural and natural
34 resources.

35 *i.* Objectives, policies, and programs to assist future

1 development of educational facilities, cemeteries, health
2 care facilities, child care facilities, law enforcement and
3 fire protection facilities, libraries, and other governmental
4 facilities that are necessary or desirable to meet the
5 projected needs of the municipality.

6 *j.* Objectives, policies, and programs to identify
7 characteristics and qualities that make the municipality unique
8 and that are important to the municipality's heritage and
9 quality of life.

10 *k.* Objectives, policies, and programs that identify the
11 natural and other hazards that have the greatest likelihood of
12 impacting the municipality or that pose a risk of catastrophic
13 damage as such hazards relate to land use and development
14 decisions, as well as the steps necessary to mitigate risk
15 after considering the local hazard mitigation plan approved by
16 the federal emergency management agency.

17 *l.* Objectives, policies, and programs for joint planning
18 and joint decision making with other municipalities or
19 governmental entities, including school districts and drainage
20 districts, for siting and constructing public facilities and
21 sharing public services. The comprehensive plan or land
22 development regulations may identify existing or potential
23 conflicts between the municipality and other local governments
24 related to future development of the municipality and may
25 include recommendations for resolving such conflicts. The
26 comprehensive plan or land development regulations may
27 also identify opportunities to collaborate and partner with
28 neighboring jurisdictions and other entities in the region for
29 projects of mutual interest.

30 *m.* A compilation of programs and specific actions necessary
31 to implement any provision of the comprehensive plan, including
32 changes to any applicable land development regulations,
33 official maps, or subdivision ordinances.

34 3. A municipality's comprehensive plan developed using the
35 guidelines under this section shall address prevention and

1 mitigation of, response to, and recovery from a catastrophic
2 flood.

3 Sec. 18. Section 28I.4, Code 2009, is amended to read as
4 follows:

5 **28I.4 Powers and duties.**

6 1. The commission shall have the power and duty to
7 make comprehensive studies and plans for the development
8 of the area it serves which will guide the unified
9 development of the area and which will eliminate planning
10 duplication and promote economy and efficiency in the
11 ~~co-ordinated~~ coordinated development of the area and the
12 general welfare, convenience, safety, and prosperity of its
13 people. The plan or plans collectively shall be known as
14 the regional or metropolitan development plan. The plans
15 for the development of the area may include, but shall not
16 be limited to, recommendations with respect to existing
17 and proposed highways, bridges, airports, streets, parks
18 and recreational areas, schools and public institutions and
19 public utilities, public open spaces, and sites for public
20 buildings and structures; districts for residence, business,
21 industry, recreation, agriculture, and forestry; water supply,
22 sanitation, drainage, protection against floods and other
23 disasters; areas for housing developments, slum clearance
24 and urban renewal and redevelopment; location of private
25 and public utilities, including but not limited to sewerage
26 and water supply systems; and such other recommendations
27 concerning current and impending problems as may affect the
28 area served by the commission. Time and priority schedules and
29 cost estimates for the accomplishment of the recommendations
30 may also be included in the plans. The plans shall be made
31 with consideration of the smart planning principles under
32 section 18B.1. The plans shall be based upon and include
33 appropriate studies of the location and extent of present
34 and anticipated populations; social, physical, and economic
35 resources, problems and trends; and governmental conditions and

1 trends. The commission is also authorized to make surveys,
 2 land-use studies, and urban renewal plans, provide technical
 3 services and other planning work for the area it serves and
 4 for cities, counties, and other political subdivisions in
 5 the area. A plan or plans of the commission may be adopted,
 6 added to, and changed from time to time by a majority
 7 vote of the planning commission. The plan or plans may in
 8 whole or in part be adopted by the governing bodies of the
 9 ~~co-operating~~ cooperating cities and counties as the general
 10 plans of such cities and counties. The commission may also
 11 assist the governing bodies and other public authorities or
 12 agencies within the area it serves in carrying out any regional
 13 plan or plans, and assist any planning commission, board or
 14 agency of the cities and counties and political subdivisions
 15 in the preparation or effectuation of local plans and planning
 16 consistent with the program of the commission. The commission
 17 may ~~co-operate~~ cooperate and confer, as far as possible, with
 18 planning agencies of other states or of regional groups of
 19 states adjoining its area.

20 2. A planning commission formed under the provisions of
 21 this chapter shall, upon designation as such by the governor,
 22 serve as a district, regional, or metropolitan agency for
 23 comprehensive planning for its area for the purpose of carrying
 24 out the functions as defined for such an agency by federal,
 25 state, and local laws and regulations.

26 Sec. 19. Section 329.3, Code 2009, is amended to read as
 27 follows:

28 **329.3 Zoning regulations — powers granted.**

29 Every municipality having an airport hazard area within
 30 its territorial limits may adopt, administer, and enforce
 31 in the manner and upon the conditions prescribed by this
 32 chapter, zoning regulations for such airport hazard area,
 33 which regulations may divide such area into zones and, within
 34 such zones, specify the land uses permitted, and regulate
 35 and restrict, for the purpose of preventing airport hazards,

1 the height to which structures and trees may be erected or
2 permitted to grow. Regulations adopted under this chapter
3 shall be made with consideration of the smart planning
4 principles under section 18B.1.

5 Sec. 20. Section 335.5, Code 2009, is amended to read as
6 follows:

7 **335.5 Objectives.**

8 1. The regulations shall be made in accordance with a
9 comprehensive plan and designed to preserve the availability
10 of agricultural land; to consider the protection of soil
11 from wind and water erosion; to encourage efficient urban
12 development patterns; to lessen congestion in the street or
13 highway; to secure safety from fire, flood, panic, and other
14 dangers; to protect health and the general welfare; to provide
15 adequate light and air; to prevent the overcrowding of land;
16 to avoid undue concentration of population; to promote the
17 conservation of energy resources; to promote reasonable access
18 to solar energy; and to facilitate the adequate provision of
19 transportation, water, sewerage, schools, parks, and other
20 public requirements. However, provisions of this section
21 relating to the objectives of energy conservation and access
22 to solar energy shall not be construed as voiding any zoning
23 regulation existing on July 1, 1981, or to require zoning in a
24 county that did not have zoning prior to July 1, 1981.

25 2. ~~Such~~ The regulations shall be made with reasonable
26 consideration, among other things, as to the character of the
27 area of the district and the peculiar suitability of such area
28 for particular uses, and with a view to conserving the value
29 of buildings and encouraging the most appropriate use of land
30 throughout such county.

31 3. The regulations and comprehensive plan shall be made with
32 consideration of the smart planning principles under section
33 18B.1 and may include the information specified in section
34 18B.2, subsection 2.

35 4. a. A comprehensive plan recommended for adoption by

1 the zoning commission established under section 335.8, may be
2 adopted by the board of supervisors. The board of supervisors
3 may amend a proposed comprehensive plan prior to adoption. The
4 board of supervisors shall publish notice of the meeting at
5 which the comprehensive plan will be considered for adoption.
6 The notice shall be published as provided in section 331.305.

7 b. Following its adoption, copies of the comprehensive plan
8 shall be sent or made available to neighboring counties, cities
9 within the county, the council of governments or regional
10 planning commission where the county is located, and public
11 libraries within the county.

12 c. Following its adoption, a comprehensive plan may be
13 amended by the board of supervisors at any time.

14 Sec. 21. Section 335.8, Code 2009, is amended to read as
15 follows:

16 **335.8 Commission appointed.**

17 1. In order to avail itself of the powers conferred by this
18 chapter, the board of supervisors shall appoint a commission,
19 a majority of whose members shall reside within the county
20 but outside the corporate limits of any city, to be known as
21 the county zoning commission, to recommend the boundaries of
22 the various original districts, and appropriate regulations
23 and restrictions to be enforced therein. Such commission
24 shall, with due diligence, prepare a preliminary report and
25 hold public hearings thereon before submitting its final
26 report; and the board of supervisors shall not hold its public
27 hearings or take action until it has received the final report
28 of such commission. After the adoption of such regulations,
29 restrictions, and boundaries of districts, the zoning
30 commission may, from time to time, recommend to the board of
31 supervisors amendments, supplements, changes or modifications.

32 2. The zoning commission may recommend to the board of
33 supervisors for adoption a comprehensive plan pursuant to
34 section 335.5, or amendments thereto.

35 3. The zoning commission, with the approval of the board

1 of supervisors, may contract with professional consultants,
2 regional planning commissions, the Iowa department of economic
3 development, or the federal government, for local planning
4 assistance.

5 Sec. 22. Section 414.3, Code 2009, is amended to read as
6 follows:

7 **414.3 Basis of regulations.**

8 1. The regulations shall be made in accordance with a
9 comprehensive plan and designed to preserve the availability of
10 agricultural land; to consider the protection of soil from wind
11 and water erosion; to encourage efficient urban development
12 patterns; to lessen congestion in the street; to secure safety
13 from fire, flood, panic, and other dangers; to promote health
14 and the general welfare; to provide adequate light and air; to
15 prevent the overcrowding of land; to avoid undue concentration
16 of population; to promote the conservation of energy resources;
17 to promote reasonable access to solar energy; and to facilitate
18 the adequate provision of transportation, water, sewerage,
19 schools, parks, and other public requirements. However,
20 provisions of this section relating to the objectives of energy
21 conservation and access to solar energy do not void any zoning
22 regulation existing on July 1, 1981, or require zoning in a
23 city that did not have zoning prior to July 1, 1981.

24 2. ~~Such~~ The regulations shall be made with reasonable
25 consideration, among other things, as to the character of the
26 area of the district and the peculiar suitability of such area
27 for particular uses, and with a view to conserving the value
28 of buildings and encouraging the most appropriate use of land
29 throughout such city.

30 3. The regulations and comprehensive plan shall be made with
31 consideration of the smart planning principles under section
32 18B.1 and may include the information specified in section
33 18B.2, subsection 2.

34 4. a. A comprehensive plan recommended for adoption by
35 the zoning commission established under section 414.6, may be

1 adopted by the council. The council may amend the proposed
2 comprehensive plan prior to adoption. The council shall
3 publish notice of the meeting at which the comprehensive plan
4 will be considered for adoption. The notice shall be published
5 as provided in section 362.3.

6 b. Following its adoption, copies of the comprehensive plan
7 shall be sent or made available to the county in which the city
8 is located, neighboring counties and cities, the council of
9 governments or regional planning commission where the city is
10 located, and public libraries within the city.

11 c. Following its adoption, a comprehensive plan may be
12 amended by the council at any time.

13 Sec. 23. Section 414.6, Code 2009, is amended to read as
14 follows:

15 **414.6 Zoning commission.**

16 1. In order to avail itself of the powers conferred by
17 this chapter, the council shall appoint a commission, to be
18 known as the zoning commission, to recommend the boundaries of
19 the various original districts, and appropriate regulations
20 and restrictions to be enforced therein. Where a city plan
21 commission already exists, it may be appointed as the zoning
22 commission. Such commission shall, with due diligence, prepare
23 a preliminary report and hold public hearings thereon before
24 submitting its final report; and such council shall not hold
25 its public hearings or take action until it has received the
26 final report of such commission. After the adoption of such
27 regulations, restrictions, and boundaries of districts, the
28 zoning commission may, from time to time, recommend to the
29 council amendments, supplements, changes, or modifications.

30 2. The zoning commission may recommend to the council for
31 adoption a comprehensive plan pursuant to section 414.3, or
32 amendments thereto.

33 **Sec. 24. IOWA SMART PLANNING TASK FORCE.**

34 1. An Iowa smart planning task force is established
35 consisting of twenty-nine voting members and four ex officio,

1 nonvoting members.

2 2. Members of the task force shall consist of all of the
3 following:

4 a. Fourteen state agency director or administrator members
5 consisting of all of the following:

6 (1) The director of the department on aging or the
7 director's designee.

8 (2) The director of the department of economic development
9 or the director's designee.

10 (3) The secretary of agriculture and land stewardship or the
11 secretary's designee.

12 (4) The director of the department of cultural affairs or
13 the director's designee.

14 (5) The director of the department of public health or the
15 director's designee.

16 (6) The director of the department of management or the
17 director's designee.

18 (7) The director of the department of natural resources or
19 the director's designee.

20 (8) The director of the department of workforce development
21 or the director's designee.

22 (9) The director of the office of energy independence or the
23 director's designee.

24 (10) The director of the department of transportation or the
25 director's designee.

26 (11) The administrator of the homeland security and
27 emergency management division of the department of public
28 defense or the administrator's designee.

29 (12) The director of the rebuild Iowa office or the
30 director's designee.

31 (13) The state building code commissioner or the
32 commissioner's designee.

33 (14) The chairperson of the utilities board within the
34 utilities division of the department of commerce or the
35 chairperson's designee.

- 1 b. Chairperson of the department of community and regional
2 planning at Iowa state university or the chairperson's
3 designee.
- 4 c. Director of the urban and regional planning program at
5 the university of Iowa or the director's designee.
- 6 d. Director of the institute for decision making at the
7 university of northern Iowa or the director's designee.
- 8 e. President of the Iowa chapter of the American planning
9 association or the president's designee.
- 10 f. Executive director of the Iowa association of regional
11 councils or the executive director's designee.
- 12 g. President of the Iowa chapter of the American institute
13 of architects or the president's designee.
- 14 h. Executive director of the Iowa league of cities or the
15 executive director's designee.
- 16 i. Executive director of the Iowa state association of
17 counties or the executive director's designee.
- 18 j. President of the executive committee of the school
19 administrators of Iowa or the president's designee.
- 20 k. A representative appointed by the governor from a city
21 having a population of five thousand or less according to the
22 2000 certified federal census.
- 23 l. A representative appointed by the governor from a city
24 having a population of more than five thousand and less than
25 twenty-five thousand according to the 2000 certified federal
26 census.
- 27 m. A representative appointed by the governor from a city
28 having a population of twenty-five thousand or more according
29 to the 2000 certified federal census.
- 30 n. A representative appointed by the governor from a county
31 having a population of ten thousand or less according to the
32 2000 certified federal census.
- 33 o. A representative appointed by the governor from a county
34 having a population of more than ten thousand and less than
35 fifty thousand according to the 2000 certified federal census.

1 p. A representative appointed by the governor from a county
2 having a population of fifty thousand or more according to the
3 2000 certified federal census.

4 3. The task force shall include four members of the general
5 assembly serving as ex officio, nonvoting members, with not
6 more than one member from each chamber being from the same
7 political party. The two senators shall be appointed one each
8 by the majority leader of the senate after consultation with
9 the president of the senate, and by the minority leader of the
10 senate. The two representatives shall be appointed one each by
11 the speaker of the house of representatives after consultation
12 with the majority leader of the house of representatives, and
13 by the minority leader of the house of representatives.

14 4. The task force may establish committees and
15 subcommittees comprised of members of the task force.

16 5. Members of the task force designated in subsection 2,
17 paragraphs "k" through "p" shall serve at the pleasure of the
18 governor. For the members of the task force designated in
19 subsection 2, paragraphs "k" through "p", at least one member
20 shall have experience in real estate, at least one member shall
21 have experience in land development, and at least one member
22 shall have experience in residential construction.

23 6. A vacancy on the task force shall be filled in the same
24 manner as the original appointment.

25 7. a. A majority of the members of the task force
26 constitutes a quorum. Any action taken by the task force
27 must be adopted by the affirmative vote of a majority of its
28 membership. A task force member's designee may vote on task
29 force matters in the absence of the member.

30 b. The task force shall elect a chairperson and vice
31 chairperson from the membership of the task force.

32 c. The task force shall meet at least four times before
33 November 15, 2010. Meetings of the task force may be called
34 by the chairperson or by a majority of the members. However,
35 the first meeting of the task force shall be called by the

1 governor.

2 d. Members of the task force shall not be compensated for
3 meeting participation or reimbursed for costs associated with
4 meeting attendance. A legislative member is not eligible for
5 per diem and expenses as provided in section 2.10.

6 8. The director of the department of management, or the
7 director's designee, shall provide staff assistance and
8 administrative support to the task force. The task force
9 may request information or other assistance from the Iowa
10 association of regional councils.

11 9. The director of the department of management, or the
12 director's designee, shall seek funding to support municipal
13 comprehensive planning in this state.

14 10. The task force shall comply with the requirements of
15 chapters 21 and 22. The department of management shall be the
16 official repository of task force records.

17 11. The duties of the task force shall include but are not
18 limited to the following:

19 a. Consult land use experts, representatives of cities
20 and counties, agricultural and environmental interests, urban
21 and regional planning experts, reports or information from
22 the local government innovation commission, and all other
23 information deemed relevant by task force members.

24 b. Solicit information from the general public on matters
25 related to comprehensive planning.

26 c. Evaluate state policies, programs, statutes, and rules
27 to determine whether any state policies, programs, statutes, or
28 rules should be revised to integrate the Iowa smart planning
29 principles under section 18B.1.

30 d. Develop statewide goals for comprehensive planning that
31 utilize the Iowa smart planning principles under section 18B.1,
32 and develop recommendations for a process to measure progress
33 toward achieving those goals.

34 e. Evaluate and develop incentives to conduct local and
35 regional comprehensive planning, including but not limited to

1 state financial and technical assistance.

2 f. Develop a model for regional comprehensive planning
3 within the state and recommend partnerships between state
4 agencies, local governments, educational institutions, and
5 research facilities.

6 g. Review municipal comprehensive plans to determine the
7 number of such plans that address the hazards identified in
8 section 18B.2, subsection 2, paragraph "k", and the adequacy of
9 such plans in addressing those hazards.

10 h. Develop a set of recommendations that is consistent with
11 the Iowa smart planning principles under section 18B.1 and that
12 does all of the following:

13 (1) Coordinates, facilitates, and centralizes the exchange
14 of information related to state and local planning, zoning, and
15 development between state agencies and the general assembly.

16 (2) Coordinates discussions concerning a proposed
17 geographic information system between the producers and the
18 users of such systems.

19 (3) Allows the efficient production and dissemination of
20 population and other demographic statistical forecasts.

21 (4) Creates a centralized electronic storage location for
22 all comprehensive plans adopted under chapter 335 or chapter
23 414.

24 (5) Facilitates the cooperation of state and local
25 governments with comprehensive planning, educational, and
26 research programs.

27 (6) Provides and administers technical and financial
28 assistance for state and local comprehensive planning.

29 (7) Provides information to local governments relating
30 to state and federal resources and other resources for
31 comprehensive planning.

32 12. The task force shall prepare a report that includes
33 goals, recommendations, and other information described in
34 subsection 11, to the governor and the general assembly on or
35 before November 15, 2010.

1 13. The task force is dissolved on December 31, 2012.

2 DIVISION VIII

3 GROW IOWA VALUES FUND

4 Sec. 25. There is appropriated from the rebuild Iowa
5 infrastructure fund to the department of economic development
6 for deposit in the grow Iowa values fund, for the fiscal year
7 beginning July 1, 2010, and ending June 30, 2011, the following
8 amount, notwithstanding section 8.57, subsection 6, paragraph
9 "c":

10 \$ 38,000,000

11 Sec. 26. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In
12 lieu of the \$50,000,000 appropriated for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, from
14 the grow Iowa values fund to the department of economic
15 development pursuant to section 15G.111, subsection 3, there is
16 appropriated from the grow Iowa values fund to the department
17 of economic development for the fiscal year beginning July 1,
18 2010, and ending June 30, 2011, \$38,000,000 for the purposes of
19 making expenditures pursuant to chapter 15G.

20 Sec. 27. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the
21 amounts allocated pursuant to section 15G.111, subsections 4
22 through 10, for the fiscal year beginning July 1, 2010, and
23 ending June 30, 2011, of the \$38,000,000 appropriated to the
24 department of economic development pursuant to this division of
25 this Act, the department shall allocate the following amounts
26 for the following purposes as described in section 15G.111,
27 subsections 4 through 10:

- 28 1. For departmental purposes, \$21,363,600.
- 29 2. For the state board of regents institutions, \$3,800,000.
- 30 3. For state parks, \$760,000.
- 31 4. For deposit in the Iowa cultural trust fund, \$760,000.
- 32 5. For community colleges, \$5,320,000.
- 33 6. For regional financial assistance, \$760,000.

34 Of the moneys allocated pursuant to this subsection and in
35 lieu of the three hundred fifty thousand dollars transferred

1 under section 15G.111, subsection 9, paragraph "a", the
2 department shall transfer two hundred sixty-six thousand
3 dollars to Iowa state university of science and technology, for
4 purposes of providing financial assistance to establish small
5 business development centers.

6 7. For commercialization services, \$4,389,000.

7 8. For targeted small business, \$847,400.

8 Sec. 28. Section 15.247, subsection 3, Code Supplement
9 2009, is amended to read as follows:

10 3. a. All moneys designated for the targeted small business
11 financial assistance program shall be credited to the program
12 account. The department shall determine the actuarially
13 sound reserve requirement for the amount of guaranteed loans
14 outstanding.

15 b. Of the moneys credited to the program account, the
16 department may allocate an amount necessary for marketing and
17 compliance and an amount for the provision of the mentoring
18 services required under subsection 7.

19 Sec. 29. Section 15G.110, Code Supplement 2009, is amended
20 to read as follows:

21 **15G.110 Appropriation.**

22 1. For the fiscal period beginning July 1, 2005, and ending
23 June 30, 2008, and for the fiscal period beginning July 1,
24 ~~2010~~ 2011, and ending June 30, 2015, there is appropriated to
25 the department of economic development each fiscal year fifty
26 million dollars from the general fund of the state for deposit
27 in the grow Iowa values fund.

28 2. For the fiscal period beginning July 1, 2008, and ending
29 June 30, ~~2010~~ 2011, there is appropriated to the department of
30 economic development each fiscal year fifty million dollars
31 from the rebuild Iowa infrastructure fund for deposit in the
32 grow Iowa values fund, notwithstanding section 8.57, subsection
33 6, paragraph "c".

34 Sec. 30. Section 15G.111, subsection 2, paragraph b, Code
35 Supplement 2009, is amended to read as follows:

1 *b.* Moneys credited to the fund are not subject to section
 2 8.33. Notwithstanding section 12C.7, interest or earnings on
 3 moneys in the fund shall be credited to the fund. Interest
 4 or earnings on moneys in the fund are appropriated to the
 5 department. Of the moneys appropriated to the department
 6 pursuant to this paragraph, the department shall make the
 7 following allocations:

8 (1) For each fiscal year of the fiscal period beginning
 9 July 1, 2010, and ending June 30, 2013, the department shall
 10 allocate not more than one hundred seventy-five thousand
 11 dollars for purposes of providing financial assistance to
 12 Iowa's councils of governments.

13 (2) For each fiscal year of the fiscal period beginning
 14 July 1, 2010, and ending June 30, 2013, the department shall
 15 allocate not more than two hundred thousand dollars for
 16 purposes of providing support and administrative assistance to
 17 the vision Iowa board, the community attraction and tourism
 18 program, and river enhancement community attraction and tourism
 19 projects.

20 (3) For each fiscal year of the fiscal period beginning
 21 July 1, 2010, and ending June 30, 2013, the department shall
 22 allocate the remaining amount of interest or earnings on moneys
 23 in the fund for purposes of providing financial assistance
 24 under the disaster recovery component of the grow Iowa values
 25 financial assistance program. All moneys allocated pursuant to
 26 this subparagraph that remain unexpended or unobligated at the
 27 end of the fiscal year beginning July 1, 2012, shall revert and
 28 be credited to the fund.

29 Sec. 31. Section 15G.111, subsection 4, unnumbered
 30 paragraph 1, Code Supplement 2009, is amended to read as
 31 follows:

32 Of the moneys appropriated to the department pursuant
 33 to subsection 3, the department shall allocate
 34 ~~thirty-two~~ twenty-eight million five hundred thousand dollars
 35 each fiscal year as follows:

1 Sec. 32. Section 15G.111, subsection 10, Code Supplement
2 2009, is amended to read as follows:

3 10. ~~Commercialization~~ Innovation and commercialization
4 *services*. Of the moneys appropriated to the department
5 pursuant to subsection 3, the department shall allocate
6 ~~three~~ five million five hundred thousand dollars for deposit in
7 the innovation and commercialization development fund created
8 in section 15.412.

9 Sec. 33. Section 15G.111, Code Supplement 2009, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 11. *Targeted small businesses*. Of the
12 moneys appropriated to the department pursuant to subsection 3,
13 the department shall allocate one million dollars for deposit
14 in the targeted small business financial assistance program
15 account established pursuant to section 15.247 within the
16 strategic investment fund created in section 15.313.

17 DIVISION IX

18 SMALL BUSINESS LINKED INVESTMENTS

19 Sec. 34. Section 12.43, subsection 5, unnumbered paragraph
20 1, Code 2009, is amended to read as follows:

21 In order to qualify under this program, all owners of the
22 business or borrowers must not have a combined net worth
23 exceeding ~~seven~~ nine hundred ~~fifty~~ seventy-five thousand
24 dollars as defined in rules adopted by the treasurer of state
25 pursuant to chapter 17A and the small business must meet all of
26 the following criteria:

27 DIVISION X

28 SITE DEVELOPMENT

29 Sec. 35. Section 15E.18, Code 2009, is amended by striking
30 the section and inserting in lieu thereof the following:

31 **15E.18 Site development consultations — certificates of**
32 **readiness.**

33 1. *a.* The department shall consult with local governments
34 and local economic development officials in regard to site
35 development techniques. For purposes of this section, "site

1 *development techniques* include environmental evaluations,
2 property and wetland delineation, and historical evaluations.

3 *b.* The department may charge a fee for providing site
4 development consultations. The fee shall not exceed
5 the reasonable cost to the department of providing the
6 consultations. The amount of any fees collected by the
7 department shall be deposited in the general fund of the state.

8 2. *a.* A local government or local economic development
9 official involved with the development of a site may apply to
10 the department for a certificate of readiness verifying that
11 the site is ready for development.

12 *b.* The department shall develop criteria for evaluating
13 various types of sites in order to determine whether a
14 particular site is ready for development based on the site's
15 individual circumstances and the economic development goals of
16 the applicant.

17 *c.* The department shall review applications for certificates
18 of readiness and may issue a certificate of readiness to any
19 site that meets the criteria developed under paragraph "b".

20 3. The department shall adopt rules pursuant to chapter 17A
21 for the implementation of this section.

22 Sec. 36. SITE DEVELOPMENT CONSULTATIONS APPROPRIATION.

23 There is appropriated from the school infrastructure fund
24 created in section 12.82 to the department of economic
25 development for the fiscal year beginning July 1, 2010, and
26 ending June 30, 2011, the following amount, or so much thereof
27 as is necessary, to be used for the purposes designated:

28 For providing site development consultations pursuant to
29 section 15E.18, including salaries, support, maintenance,
30 miscellaneous purposes, and for not more than the following
31 full-time equivalent positions:

| | | |
|----------|------|---------|
| 32 | \$ | 175,000 |
| 33 | FTEs | 1.00 |

34 Of the moneys appropriated to the department pursuant to
35 this section, the department may allocate up to \$75,000 for

1 purposes of contracting with third parties to provide site
2 development consultations.

3 DIVISION XI

4 INTERNET SITE FOR BUSINESS

5 ASSISTANCE

6 Sec. 37. BUSINESS ASSISTANCE INTERNET SITE.

7 1. The department of economic development, in consultation
8 with other state agencies that provide financial and technical
9 assistance to small businesses and with the state board of
10 regents, shall create a business assistance internet site
11 designed to assist small businesses in finding information
12 related to the various kinds of technical and financial
13 assistance available from the state of Iowa. The department
14 may incorporate the internet site into its existing internet
15 site as appropriate.

16 2. The internet site shall include links to the various
17 internet sites maintained by other state agencies or the
18 state board of regents that pertain to assistance for small
19 businesses. The other state agencies and the board of regents
20 shall assist the department of economic development in an
21 effort to keep the information on the internet site up-to-date.
22 The department of administrative services shall work with the
23 department of economic development to ensure that the internet
24 site is readily accessible to the public.

25 Sec. 38. BUSINESS ASSISTANCE INTERNET SITE APPROPRIATION.

26 There is appropriated from the school infrastructure fund
27 created in section 12.82 to the department of economic
28 development for the fiscal year beginning July 1, 2010, and
29 ending June 30, 2011, the following amount, or so much thereof
30 as is necessary, to be used for the purposes designated:

31 For purposes of creating a business assistance internet
32 site:

33 \$ 20,000

34 DIVISION XII

35 REGULATORY ASSISTANCE INTERIM

STUDY COMMITTEE

Sec. 39. REGULATORY ASSISTANCE INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish an interim study committee to examine and make recommendations regarding methods of assisting small businesses that do not require direct financial incentives and regarding potential changes of law that would improve business licensing, regulatory compliance, and tax collection procedures.

2. The study committee shall be composed of five members of the house of representatives, five members of the senate, and five members of the general public who are also small business owners. Of the members of the senate, three members shall be appointed by the majority leader of the senate and two shall be appointed by the minority leader of the senate. Of the members of the house of representatives, three members shall be appointed by the speaker of the house of representatives, and two shall be appointed by the minority leader of the house of representatives.

3. a. The study committee shall work with the department of economic development, the department of inspections and appeals, the insurance division of the department of commerce, the department of natural resources, the professional licensing and regulation bureau of the banking division of the department of commerce, the department of public health, the department of public safety, the department of revenue, the secretary of state, and the department of workforce development to study ways to improve the state's business licensing procedures.

b. In preparation for assisting with the interim study committee, a state agency listed in this subsection shall conduct an internal review to identify and prioritize its procedures as they pertain to businesses and business licensing.

c. A state agency listed in this subsection shall provide all necessary assistance to the interim study committee in making recommendations to the general assembly.

1 4. The interim study committee shall submit its
2 recommendations to the general assembly on or before January
3 14, 2011.

4 DIVISION XIII

5 SAVE OUR SMALL BUSINESSES FUND

6 AND PROGRAM

7 Sec. 40. NEW SECTION. 15.300 Findings and intent.

8 1. The general assembly finds all of the following:

9 a. That entrepreneurs and small businesses often have
10 difficulty obtaining conventional loan financing, limiting
11 their ability to expand, retain, and create additional jobs.
12 b. That a source of capital provided by the state could
13 greatly assist entrepreneurs and small businesses in their
14 efforts to upgrade or modernize equipment, realize additional
15 efficiencies in their supply chains, improve their distribution
16 and transportation margins, reduce facility costs through
17 increased energy efficiency, and leverage other sources of
18 business financing.

19 2. The purpose of the save our small businesses fund created
20 in section 15.301 is to promote the creation and retention of
21 jobs in the state's economy and to assist businesses to be more
22 competitive by addressing the needs identified in subsection 1.

23 Sec. 41. NEW SECTION. 15.301 Save our small businesses fund
24 and program.

25 1. a. A save our small businesses fund is created in
26 the state treasury under the control of the department and
27 consisting of any moneys appropriated to the fund by the
28 general assembly and any other moneys available and obtained or
29 accepted by the department for placement in the fund.

30 b. Payments of interest, repayments of moneys loaned
31 pursuant to this section, and recaptures of loans shall be
32 deposited in the fund. The fund shall be used to provide
33 financial assistance in the form of low-interest loans as
34 provided under the program created in this section.

35 c. (1) If, on March 31, 2011, there are unobligated moneys

1 in the fund, such unobligated moneys shall revert to the
2 general fund of the state.

3 (2) For each quarter, beginning with the first quarter after
4 the reversion of moneys pursuant to subparagraph (1) and ending
5 with the last quarter prior to the reversion of moneys pursuant
6 to subparagraph (3), the department shall, on the last day
7 of the quarter transfer to the general fund of the state the
8 balance of unencumbered moneys in the fund.

9 (3) On March 31, 2016, all moneys in the fund shall revert
10 to the general fund of the state.

11 2. a. The department shall establish and administer a
12 program for purposes of providing financial assistance to
13 eligible small businesses. For purposes of this section,
14 "*financial assistance*" means loans at an interest rate not to
15 exceed three and nine-tenths percent per annum and "*eligible*
16 *small business*" means a small business meeting the requirements
17 of subsection 3.

18 b. (1) The department may designate an organization to
19 administer the provisions of this section on the department's
20 behalf.

21 (2) In order to be designated, an organization must be
22 a nonprofit organization exempt from taxation under section
23 501(c)(3) of the Internal Revenue Code and must be designated
24 by the United States small business administration as a
25 statewide microloan program provider.

26 (3) If the department elects to designate an organization
27 pursuant to subparagraph (1), the department shall enter into
28 an agreement with the organization for purposes of ensuring
29 that the program is administered pursuant to the requirements
30 of this section.

31 (4) An organization designated pursuant to subparagraph (1)
32 may accept, evaluate, and approve applications for financial
33 assistance from eligible small businesses pursuant to the
34 requirements of this section and may monitor the compliance of
35 eligible businesses with the terms of an agreement entered into

1 with the department.

2 (5) All disbursements of moneys to recipients of financial
3 assistance approved by an organization designated pursuant to
4 subparagraph (1) shall be made by the department.

5 (6) All repayments of principal and interest on financial
6 assistance provided under the program shall be remitted to the
7 department and deposited in the fund.

8 (7) The department, with the assistance of an organization
9 designated pursuant to subparagraph (1), may seek the recapture
10 of financial assistance provided pursuant to this section as
11 provided in subsection 4.

12 c. Financial assistance under the program shall be provided
13 from the fund created in subsection 1.

14 d. Financial assistance to a small business shall be at
15 least two thousand five hundred dollars, but shall not exceed
16 fifty thousand dollars.

17 e. The department, under the terms of an agreement with the
18 organization designated pursuant to paragraph "b", shall begin
19 to provide financial assistance from the fund not later than
20 August 1, 2010, and shall to the extent practicable obligate
21 all available moneys in the fund prior to March 31, 2011.

22 f. A loan made to a small business under the program may
23 be for any period of time, but the terms of such loan shall
24 provide for the repayment of principal and interest prior to
25 the date the moneys in the fund revert pursuant to subsection
26 1, paragraph "c", subparagraph (3).

27 3. A business is eligible to apply for financial assistance
28 under the program if the business meets all of the following
29 criteria at the time of application:

30 a. The business has thirty-five or fewer full-time
31 equivalent employees.

32 b. The business is located in Iowa.

33 c. The business is owned, operated, and actively managed by
34 a resident of Iowa.

35 d. The business has a business plan and has received

1 assistance in the development stage or the expansion stage
2 from a small business development center or from a qualified
3 public or nonprofit small business consultant as defined by the
4 department.

5 *e.* If a business has been a going concern for two years or
6 more, the business has not been found to be in violation of any
7 environmental or worker safety laws, rules, or regulations.

8 *f.* The business only employs individuals legally authorized
9 to work in this state.

10 *g.* The business does not engage in the production,
11 depiction, or distribution of obscene material. For purposes
12 of this paragraph, "*obscene material*" means the same as defined
13 in section 728.1.

14 *h.* The business is not in bankruptcy and is not imminently
15 contemplating filing for bankruptcy.

16 4. Upon approval of the application for financial
17 assistance by the department or an organization designated
18 pursuant to subsection 2, paragraph "*b*", the eligible business
19 shall enter into an agreement with the department which shall
20 include but not be limited to all of the following provisions:

21 *a.* If an eligible business, after receiving financial
22 assistance, does not continue to meet one or more of the
23 criteria for eligibility under subsection 3, except for
24 subsection 3, paragraph "*a*", all or a portion of the financial
25 assistance received is subject to disallowance, recapture, or
26 immediate repayment.

27 *b.* If, after receiving financial assistance, an eligible
28 business ceases operations within the state or removes a
29 significant portion of its operations to a location outside
30 of the state, all or a portion of the financial assistance
31 received is subject to disallowance, recapture, or immediate
32 repayment.

33 5. *a.* An eligible business shall not receive more than one
34 award of financial assistance under this section.

35 *b.* An eligible business that receives financial assistance

1 under this section may subsequently apply for financial
2 assistance under other programs administered by the department.

3 *c.* An eligible business that receives financial assistance
4 under this section shall not use such financial assistance for
5 purposes of meeting payroll obligations to employees.

6 6. *a.* The small business development centers shall track
7 the number of referrals for assistance made to the department
8 for assistance under this section and shall include that number
9 in the small business development center's annual report to the
10 general assembly.

11 *b.* The department in conjunction with an organization
12 designated pursuant to subsection 2, paragraph "b", shall
13 by January 15 of each year submit a report on the program
14 administered pursuant to this section to the general assembly.
15 The report shall include information on the number of
16 businesses that receive loans under the program and any other
17 information the department deems relevant to assessing the
18 success of the program.

19 7. The department shall adopt rules pursuant to chapter 17A
20 as necessary to administer the program. The department may
21 adopt emergency rules under section 17A.4, subsection 3, and
22 section 17A.5, subsection 2, paragraph "b", as necessary for the
23 administration of this section.

24 Sec. 42. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION.

25 There is appropriated from the school infrastructure fund
26 created in section 12.82 to the department of economic
27 development for deposit in the save our small businesses fund
28 for the fiscal year beginning July 1, 2010, and ending June 30,
29 2011, the following amount, or so much thereof as is necessary,
30 to be used for the purposes designated:

31 For purposes of providing financial assistance under the
32 save our small businesses program under section 15.301:

33 \$ 5,000,000

34 Of the moneys appropriated pursuant to this section, the
35 department may allocate an amount not to exceed two percent of

1 the moneys appropriated for purposes of retaining the services
2 of an organization designated pursuant to section 15.301,
3 subsection 2, paragraph "b".

4 Sec. 43. EFFECTIVE UPON ENACTMENT. This division of this
5 Act, being deemed of immediate importance, takes effect upon
6 enactment.

7 DIVISION XIV

8 ALTERNATIVE PUBLIC PROJECT DELIVERY STUDY

9 Sec. 44. INTERIM STUDY COMMITTEE — ALTERNATIVE PROJECT
10 DELIVERY — REGENTS INSTITUTIONS.

11 1. The legislative council is requested to establish an
12 interim study committee to study the use of alternative project
13 delivery for public projects at institutions under the control
14 of the state board of regents. The study shall include but is
15 not limited to a review and analysis of the use of alternative
16 project delivery at land grant institutions and research
17 universities in other states. There shall be three members
18 from the house of representatives and three members from the
19 senate. In addition to the legislative members, the membership
20 of the study committee shall include the following public
21 members:

22 a. Two members appointed by the state board of regents.

23 b. One member appointed by the Iowa chapter of the American
24 institute of architects.

25 c. One member appointed by the American council of
26 engineering companies of Iowa.

27 d. One member appointed by the Iowa chapter of the
28 design-build institute of America.

29 e. One member appointed by the master builders of Iowa.

30 f. One member appointed by the mechanical contractors
31 association of Iowa.

32 g. One member appointed by the Iowa chapter of the national
33 electrical contractors association.

34 h. One member appointed by the Iowa state building and
35 construction trades council.

1 i. One member appointed by the sheet metal contractors of
2 Iowa.

3 2. The committee shall meet twice during the 2010
4 legislative interim and shall submit findings and any
5 recommendations in a report to the general assembly by January
6 15, 2011.

7 DIVISION XV

8 FLOODPLAIN MAPPING

9 Sec. 45. FLOODPLAIN MAPPING. Using funds allocated to the
10 department of natural resources for floodplain mapping from the
11 appropriation made to the department of economic development in
12 2009 Iowa Acts, chapter 183, section 67, of federal community
13 development block grant funds awarded to the state under
14 the federal Consolidated Security, Disaster Assistance, and
15 Continuing Appropriations Act, 2009, Pub. L. No. 110-329, the
16 department of natural resources shall enter an agreement in an
17 amount of not less than \$10,000,000 with the state university
18 of Iowa for the development of new floodplain maps by June 30,
19 2014, by the Iowa flood center established pursuant to section
20 466C.1. The department of natural resources shall structure
21 the contract to be consistent with any plan for use of the
22 funds approved by any federal agency, or, if necessary, follow
23 any procedures necessary for approval of this contract.

24 Sec. 46. EFFECTIVE UPON ENACTMENT. This division of this
25 Act, being deemed of immediate importance, takes effect upon
26 enactment.

27 DIVISION XVI

28 DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE
29 SPACE — STATE FLEET

30 Sec. 47. DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE
31 SPACE REQUEST FOR PROPOSALS.

32 1. The department of administrative services shall issue a
33 request for proposals concerning the availability and cost of
34 office space for state employees in downtown Des Moines and in
35 other areas in close proximity to the state capitol complex.

1 The department shall consider the advantages of locating state
2 employees and their functions near the state capitol complex.

3 2. In issuing the request for proposals, the department
4 shall examine current leases for office space within the
5 greater Des Moines area, determine the current length and
6 duration of those leases, and consider the number of state
7 employees impacted by those leases.

8 3. The request for proposals shall ensure that any office
9 space selected shall meet all of the following criteria:

10 a. The building which includes the office space has skywalk
11 access.

12 b. The building which includes the office space is located
13 within reasonable proximity to the free shuttle service route
14 that includes transportation between the capitol complex and
15 the downtown Des Moines area.

16 c. The entity leasing office space provides adequate
17 parking to employees utilizing the office space which is within
18 reasonable proximity to the office space.

19 d. The office space is energy efficient.

20 e. The office space provides adequate space and resources
21 needed for the employees intending to occupy the office space.

22 4. The department of administrative services shall issue
23 the request for proposals by December 1, 2010, and shall submit
24 a written report to the general assembly concerning the request
25 for proposals by January 14, 2011.

26 Sec. 48. DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE
27 SPACE — COST-BENEFIT ANALYSIS.

28 1. a. The department of administrative services shall
29 conduct a cost-benefit analysis of utilizing existing office
30 space for state employees in downtown Des Moines and other
31 areas in close proximity to the state capitol complex in
32 lieu of replacing or renovating the Wallace Building or
33 relocating any state agencies to any space in the mercy capitol
34 hospital building. The cost-benefit analysis shall include
35 consideration of any cost to the applicable local jurisdiction

1 arising from the state's utilization of existing office space.

2 b. The department of administrative services shall submit
3 a written report to the general assembly on the cost-benefit
4 analysis by January 14, 2011.

5 2. Prior to submitting the cost-benefit analysis report
6 required by this section, the department of administrative
7 services shall not relocate any state agencies to space in
8 the Mercy capitol hospital building other than any of the
9 following:

10 a. A centralized department of corrections pharmacy.

11 b. Offices of a state agency currently located in a
12 state-owned office building.

13 c. Any state employee located in a nonleased facility or
14 space.

15 d. A nonstate agency.

16 e. The office of the insurance division of the department
17 of commerce.

18 f. The agricultural development authority established in
19 section 175.3.

20 Sec. 49. DEPARTMENT OF ADMINISTRATIVE SERVICES

21 — STATE FLEET RELOCATION. The department of administrative
22 services shall evaluate and consider relocating state fleet
23 operations. The department shall be authorized to relocate
24 state fleet operations pursuant to such evaluation.

25 DIVISION XVII

26 CHANGES TO PRIOR APPROPRIATIONS

27 Sec. 50. 2004 Iowa Acts, chapter 1175, section 288,
28 subsection 7, paragraph d, is amended by adding the following
29 new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
31 2004 Iowa Acts, chapter 1175, section 290, or any other
32 provision of law, moneys allocated in this lettered paragraph
33 that remain unencumbered or unobligated at the close of a
34 fiscal year shall not revert but shall remain available for
35 expenditure for the purposes designated until the close of the

1 fiscal year that begins July 1, 2012. However, if the projects
2 for which the moneys are appropriated are completed in an
3 earlier fiscal year, unencumbered or unobligated moneys shall
4 revert at the close of that fiscal year.

5 Sec. 51. 2006 Iowa Acts, chapter 1179, section 4, subsection
6 1, is amended to read as follows:

7 1. a. Notwithstanding Except as provided in paragraph
8 "b", notwithstanding section 8.33, moneys appropriated for the
9 fiscal year beginning July 1, 2006, in this division of this
10 Act that remain unencumbered or unobligated at the close of
11 the fiscal year shall not revert but shall remain available
12 for the purposes designated until the close of the fiscal year
13 that begins July 1, 2009, or until the project for which the
14 appropriation was made is completed, whichever is earlier.

15 b. Notwithstanding section 8.33, moneys appropriated for the
16 fiscal year beginning July 1, 2006, in section 1, subsection 1,
17 and section 1, subsection 11, paragraph "b" of this division of
18 this Act that remain unencumbered or unobligated at the close
19 of the fiscal year shall not revert but shall remain available
20 for the purposes designated until the close of the fiscal year
21 that begins July 1, 2010, or until the project for which the
22 appropriation was made is completed, whichever is earlier.

23 Sec. 52. 2006 Iowa Acts, chapter 1179, section 18, is
24 amended to read as follows:

25 SEC. 18. REVERSION.

26 1. Except as provided in subsections 2, and 3, and
27 4, notwithstanding section 8.33, moneys appropriated from the
28 endowment for Iowa's health restricted capitals fund for the
29 fiscal years that begin July 1, 2005, and July 1, 2006, in this
30 division of this Act that remain unencumbered or unobligated at
31 the close of the fiscal year shall not revert but shall remain
32 available for the purposes designated until the close of the
33 fiscal year that begins July 1, 2009, or until the project for
34 which the appropriation was made is completed, whichever is
35 earlier.

1 2. Notwithstanding section 8.33, moneys appropriated from
 2 the endowment for Iowa's health restricted capitals fund
 3 for the fiscal year that begins July 1, 2006, and ends June
 4 30, 2007, in this division of this Act to the department of
 5 veterans affairs for capital improvement projects at the Iowa
 6 veterans home that remain unencumbered or unobligated at the
 7 close of the fiscal year shall not revert but shall remain
 8 available for expenditure for the purposes designated until the
 9 close of the fiscal year that begins July 1, 2010.

10 3. Notwithstanding section 8.33, moneys appropriated from
 11 the endowment for Iowa's health restricted capitals fund
 12 for the fiscal year beginning July 1, 2006, and ending June
 13 30, 2007, in this division of this Act to the department of
 14 education for major renovation and major repair needs at the
 15 community colleges that remain unencumbered or unobligated at
 16 the close of the fiscal year shall not revert but shall remain
 17 available for expenditure for the purposes designated until
 18 the close of the fiscal year beginning July 1, 2010, or until
 19 the project for which appropriated is completed, whichever is
 20 earlier.

21 4. Notwithstanding section 8.33, moneys appropriated from
 22 the endowment for Iowa's health restricted capitals fund
 23 for the fiscal year that begins July 1, 2006, and ends June
 24 30, 2007, in this division of this Act to the department of
 25 administrative services for upgrades to the Woodward state
 26 resource center wastewater treatment system that remain
 27 unencumbered or unobligated at the close of the fiscal year
 28 shall not revert but shall remain available for expenditure
 29 for the purposes designated until the close of the fiscal year
 30 that begins July 1, 2011, or until the project for which the
 31 appropriation is made is completed, whichever is earlier.

32 Sec. 53. 2007 Iowa Acts, chapter 219, section 7, subsection
 33 1, as amended by 2009 Iowa Acts, chapter 170, section 20, and
 34 2009 Iowa Acts, chapter 184, section 17, is amended to read as
 35 follows:

1 1. For costs associated with the construction and
 2 establishment of the Iowa institute for biomedical discovery at
 3 the state university of Iowa:

| | | |
|---------------------|----|-----------------------|
| 4 FY 2008-2009..... | \$ | 0 |
| 5 FY 2009-2010..... | \$ | 0 |
| 6 FY 2010-2011..... | \$ | 10,000,000 |
| 7 | | <u>0</u> |

8 Sec. 54. 2007 Iowa Acts, chapter 219, section 15, is amended
 9 to read as follows:

10 SEC. 15. REVERSION.

11 1. Notwithstanding Except as provided in subsection 2,
 12 notwithstanding section 8.33, moneys appropriated for the
 13 fiscal year beginning July 1, 2007, in this division of this
 14 Act that remain unencumbered or unobligated at the close of
 15 the fiscal year shall not revert but shall remain available
 16 for the purposes designated until the close of the fiscal year
 17 beginning July 1, 2009, or until the project for which the
 18 appropriation was made is completed, whichever is earlier.

19 2. Notwithstanding section 8.33, moneys appropriated
 20 for the fiscal year beginning July 1, 2007, in section 14,
 21 subsections 4 and 7 of this division of this Act that remain
 22 unencumbered or unobligated at the close of the fiscal year
 23 shall not revert but shall remain available for the purposes
 24 designated until the close of the fiscal year beginning July 1,
 25 2011, or until the project for which the appropriation was made
 26 is completed, whichever is earlier.

27 Sec. 55. 2008 Iowa Acts, chapter 1179, section 1, subsection
 28 1, paragraph 1, as enacted by 2009 Iowa Acts, chapter 184,
 29 section 21, is amended to read as follows:

30 1. For ~~heating, ventilating, and air conditioning~~
 31 ~~improvements~~ building security and firewall protection in the
 32 Hoover state office building:

| | | |
|----------|----|---------|
| 33 | \$ | 165,000 |
|----------|----|---------|

34 Sec. 56. 2008 Iowa Acts, chapter 1179, section 1, subsection
 35 4, paragraph b, as amended by 2009 Iowa Acts, chapter 81,

1 section 1, is amended to read as follows:

2 b. For historical site preservation grants to be used for
3 the restoration, preservation, and development of historic
4 sites:

5 \$ 1,000,000

6 In making grants pursuant to this lettered paragraph, the
7 department shall consider the existence and amount of other
8 funds available to an applicant for the designated project.

9 A grant awarded from moneys appropriated in this lettered
10 paragraph shall not exceed \$100,000 per project. Not more than
11 \$200,000 may be awarded in the same county in the same round of
12 grant reviews.

13 Of the amount appropriated in this lettered paragraph,
14 \$20,000 shall be used for the administration and support of
15 historic sites including the hiring and employment of seasonal
16 workers, notwithstanding section 8.57, subsection 6, paragraph
17 "c".

18 Sec. 57. 2008 Iowa Acts, chapter 1179, section 7, as amended
19 by 2009 Iowa Acts, chapter 173, section 21, is amended to read
20 as follows:

21 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
22 appropriated from the rebuild Iowa infrastructure fund to
23 the department of economic development for the designated
24 fiscal years the following amounts, or so much thereof as is
25 necessary, to be used for the purposes designated:

26 For deposit into the river enhancement community attraction
27 and tourism fund created in 2008 Iowa Acts, Senate File 2430,
28 if enacted:

| | | | |
|----|-------------------|----|-----------------------|
| 29 | FY 2009-2010..... | \$ | 0 |
| 30 | FY 2010-2011..... | \$ | 10,000,000 |
| 31 | | | <u>0</u> |
| 32 | FY 2011-2012..... | \$ | 10,000,000 |
| 33 | FY 2012-2013..... | \$ | 10,000,000 |

34 ~~Notwithstanding section 8.33, moneys appropriated in this~~
35 ~~section for the fiscal year beginning July 1, 2010, and ending~~

~~1 June 30, 2011, shall not revert at the close of the fiscal year
2 for which they are appropriated but shall remain available
3 for the purpose designated until the close of the fiscal year
4 that begins July 1, 2013, or until the project for which the
5 appropriation was made is completed, whichever is earlier.~~

6 Notwithstanding section 8.33, moneys appropriated in this
7 section for the fiscal year beginning July 1, 2011, and ending
8 June 30, 2012, shall not revert at the close of the fiscal year
9 for which they are appropriated but shall remain available
10 for the purpose designated until the close of the fiscal year
11 that begins July 1, 2014, or until the project for which the
12 appropriation was made is completed, whichever is earlier.

13 Notwithstanding section 8.33, moneys appropriated in this
14 section for the fiscal year beginning July 1, 2012, and ending
15 June 30, 2013, shall not revert at the close of the fiscal year
16 for which they are appropriated but shall remain available
17 for the purpose designated until the close of the fiscal year
18 that begins July 1, 2015, or until the project for which the
19 appropriation was made is completed, whichever is earlier.

20 Sec. 58. 2008 Iowa Acts, chapter 1179, section 15,
21 subsection 4, paragraph b, as amended by 2009 Iowa Acts,
22 chapter 184, section 25, is amended to read as follows:

23 b. To the public broadcasting division for the purchase and
24 installation of generators at transmitter sites:

25 \$ 1,602,437

26 Of the amount appropriated in this lettered paragraph, up to
27 \$210,477 may be used for operational costs of the division for
28 FY 2008-2009, and up to \$1,000,000 may be used for operational
29 costs of the division for FY 2009-2010, and up to \$378,637
30 may be used for operational costs of the division for FY
31 2010-2011, notwithstanding section 8.57C, subsection 2.

32 Sec. 59. 2008 Iowa Acts, chapter 1179, section 15,
33 subsection 4, paragraph c, is amended to read as follows:

34 c. To the public broadcasting division for the replacement
35 and digital conversion of the Keosauqua translator:

1 \$ 701,500
2 Of the amount appropriated in this lettered paragraph, up to
3 \$25,378 may be used for operational costs of the division for
4 FY 2010-2011, notwithstanding section 8.57C, subsection 2.
5 Sec. 60. 2008 Iowa Acts, chapter 1179, section 18,
6 subsection 3, as amended by 2009 Iowa Acts, chapter 173,
7 section 24, is amended to read as follows:
8 3. DEPARTMENT OF CORRECTIONS
9 a. For expansion of the community-based corrections
10 facility at Sioux City:
11 \$ 5,300,000
12 b. For expansion of the community-based corrections
13 facility at Ottumwa:
14 \$ 4,100,000
15 c. For expansion of the community-based corrections
16 facility at Waterloo:
17 \$ 6,000,000
18 d. For expansion of the community-based corrections
19 facility at Davenport:
20 \$ 2,100,000
21 e. For expansion, including land acquisition, of the
22 community-based corrections facility at Des Moines:
23 \$ 13,100,000
24 0
25 ~~The appropriation in this lettered paragraph is contingent~~
26 ~~upon relocation of the sex offender treatment program from~~
27 ~~the community-based corrections facility at Des Moines to~~
28 ~~the property in northeast Des Moines identified by the fifth~~
29 ~~judicial district in the facility and site study final report~~
30 ~~submitted December 12, 2008.~~
31 It is the intent of the general assembly that the funds
32 appropriated in paragraphs "a" through "e" be used to expand
33 the number of beds available through new construction and
34 remodeling and for the expansion of existing facilities.
35 f. For expansion of the Iowa correctional facility for women

1 at Mitchellville including costs related to project management
 2 including the hiring and employment of a construction manager
 3 and a correctional specialist:

4 \$ 47,500,000

5 g. For the remodeling of kitchens at the correctional
 6 facilities at Mount Pleasant and Rockwell City:

7 \$ 12,500,000

8 Sec. 61. 2008 Iowa Acts, chapter 1179, section 22, is
 9 amended to read as follows:

10 SEC. 22. There is appropriated from the FY 2009 prison
 11 bonding fund created pursuant to section 12.79, as enacted in
 12 this Act, to the department of corrections for the fiscal year
 13 beginning July 1, 2008, and ending June 30, 2009, the following
 14 amount, or so much thereof as is necessary, to be used for the
 15 purpose designated:

16 For costs associated with the building of a new Iowa State
 17 Penitentiary at Fort Madison including costs related to
 18 project management including the hiring and employment of a
 19 construction manager and a correctional specialist:

20 \$130,677,500

21 The appropriation made in this section constitutes approval
 22 by the general assembly for the issuance of bonds by the
 23 treasurer pursuant to section 12.80, as enacted in this Act.

24 Sec. 62. 2009 Iowa Acts, chapter 173, section 13, subsection
 25 1, is amended by adding the following new paragraph:

26 NEW PARAGRAPH. e. Of the moneys appropriated in
 27 this subsection, the department may award moneys for the
 28 establishment of drainage district pilot projects. Each
 29 drainage district pilot project shall be presented to the state
 30 soil conservation committee and the watershed improvement
 31 review board to ensure the project design, project goals,
 32 baseline data collection, project data collection standards,
 33 and data evaluation standards are appropriate for, and advance,
 34 the soil and water conservation goals of the state. Annual
 35 progress reports on each pilot project shall be presented

1 to the state soil conservation committee and the watershed
 2 improvement review board to ensure the projects continue to
 3 advance the soil and water conservation goals of the state.
 4 All construction plans, monitoring plans, project data, and
 5 project data analysis shall be available for public review and
 6 study. Experts from the United States geological survey, the
 7 national laboratory for agriculture and the environment at
 8 Iowa state university, and other appropriate state and federal
 9 agencies may be consulted on any aspect of the program.

10 Sec. 63. 2009 Iowa Acts, chapter 173, section 13, subsection
 11 2, is amended to read as follows:

12 2. DEPARTMENT OF NATURAL RESOURCES

13 For watershed rebuilding and water quality projects:

14 \$ 13,500,000

15 Of the moneys appropriated in this subsection, the
 16 department may provide moneys to construct, reconstruct, or
 17 repair infrastructure associated with the control and movement
 18 of surface water, including but not limited to addressing
 19 issues affected by combined sewer overflows, enrolling larger
 20 contiguous areas in emergency watershed programs, improving
 21 facilities or systems that provide water quality, mitigating
 22 flood damage or the threat of flood damage in the areas most
 23 severely affected by the 2008 flood, and improving or replacing
 24 low-head dams. Any award of moneys made under this subsection
 25 shall be in the form of a grant. Any grant awards for practices
 26 on private property shall be for the public purposes of flood
 27 control, watershed management, or improving water quality.

28 Sec. 64. 2009 Iowa Acts, chapter 173, section 13, subsection
 29 4, paragraphs b, c, and d, are amended to read as follows:

30 b. ~~For deposit into the public service shelter grant fund~~
 31 ~~created in section 16.185 for grants for the construction,~~
 32 renovation, and improvements to homeless shelters, emergency
 33 shelters, and family and domestic violence shelters:

34 \$ 10,000,000

35 c. ~~For deposit into the disaster damage housing assistance~~

1 ~~grant fund created in section 16.186~~ for grants to ease and
 2 speed recovery efforts from the natural disasters of 2008,
 3 including stabilizing neighborhoods damaged by the natural
 4 disasters, preventing population loss and neighborhood
 5 deterioration, and improving the health, safety, and welfare of
 6 persons living in such disaster-damaged neighborhoods:

7 \$ 5,000,000

8 d. For ~~deposit into the affordable housing assistance grant~~
 9 ~~fund created in section 16.187~~ for grants for housing for
 10 certain elderly, disabled, and low-income persons and public
 11 servants in critical skills shortage areas of the state:

12 \$ 20,000,000

13 Sec. 65. 2009 Iowa Acts, chapter 173, section 13, subsection
 14 5, unnumbered paragraph 1, as amended by 2009 Iowa Acts,
 15 chapter 183, section 71, is amended to read as follows:

16 For broadband technology grants for the deployment and
 17 sustainability of high-speed broadband access:

18 \$ 25,000,000

19 0

20 Sec. 66. 2009 Iowa Acts, chapter 173, section 13, subsection
 21 6, is amended to read as follows:

22 6. DEPARTMENT OF TRANSPORTATION

23 For ~~deposit into the bridge safety fund created in section~~
 24 ~~313.68 to be used for~~ infrastructure projects relating to
 25 functionally obsolete and structurally deficient bridges:

26 \$ 50,000,000

27 40,000,000

28 Sec. 67. 2009 Iowa Acts, chapter 173, section 13, is amended
 29 by adding the following new subsection:

30 NEW SUBSECTION. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT

31 For the main street Iowa program to be used as grants
 32 for projects that have previously applied for funding
 33 consideration, or have received partial funding for facade
 34 master plans to rehabilitate storefronts in main street Iowa
 35 districts, to complete streetscape projects where planning

1 and the majority of funding is already secured, for unfunded
2 main street challenge grant projects, and for other building
3 rehabilitation projects that are currently on the department's
4 highest priority list:

5 \$ 5,550,000

6 Moneys appropriated in this subsection shall not be used for
7 administration or planning purposes.

8 Sec. 68. 2009 Iowa Acts, chapter 174, section 6, is
9 repealed.

10 Sec. 69. 2009 Iowa Acts, chapter 184, section 1, subsection
11 3, paragraph d, is amended to read as follows:

12 d. For historical site preservation grants to be used for
13 the restoration, preservation, and development of historic
14 sites:

15 \$ 1,000,000

16 In making grants pursuant to this lettered paragraph, the
17 department shall consider the existence and amount of other
18 funds available to an applicant for the designated project.
19 A grant awarded from moneys appropriated in this lettered
20 paragraph shall not exceed \$100,000 per project. Not more than
21 \$200,000 may be awarded in the same county in the same round of
22 grant reviews.

23 Of the amount appropriated in this lettered paragraph,
24 \$20,000 shall be used for the administration and support of
25 historic sites including the hiring and employment of seasonal
26 workers, notwithstanding section 8.57, subsection 6, paragraph
27 "c".

28 Sec. 70. 2009 Iowa Acts, chapter 184, section 1, subsection
29 12, paragraph a, is amended to read as follows:

30 a. ~~To provide funds for capital improvements and for related~~
31 ~~studies for expanding passenger rail services in Iowa~~ For
32 deposit in the passenger rail service revolving fund created
33 in section 327J.2, notwithstanding section 8.57, subsection 6,
34 paragraph "c":

35 \$ 3,000,000

1 Sec. 71. 2009 Iowa Acts, chapter 184, section 2, subsections
2 1, 2, 4, and 5, are amended by striking the subsections.

3 Sec. 72. 2009 Iowa Acts, chapter 184, section 2, subsection
4 6, paragraph a, is amended to read as follows:

5 a. For deposit into the railroad revolving loan and grant
6 fund created in section 327H.20A, notwithstanding section 8.57,
7 subsection 6, paragraph "c":

8 \$ 2,000,000

9 Of the amount appropriated in this lettered paragraph,
10 \$2,000,000 shall be allocated to a city with a population
11 between 98,300 and 98,400 in the last preceding certified
12 federal census, for a rail trans-load facility if a federal
13 match of funds is received.

14 Sec. 73. EFFECTIVE UPON ENACTMENT. This division, being
15 deemed of immediate importance, takes effect upon enactment.

16 DIVISION XVIII

17 MISCELLANEOUS CODE CHANGES

18 Sec. 74. Section 8.57, subsection 6, paragraph e, Code
19 Supplement 2009, is amended to read as follows:

20 e. (1) (a) (i) Notwithstanding provisions to the contrary
21 in sections 99D.17 and 99F.11, for the fiscal year beginning
22 July 1, 2000, and for each fiscal year thereafter, not more
23 than a total of sixty-six million dollars shall be deposited
24 in the general fund of the state in any fiscal year pursuant to
25 sections 99D.17 and 99F.11.

26 (ii) However, in lieu of the deposit in subparagraph
27 subdivision (i), for the fiscal year beginning July 1, 2010,
28 and for each fiscal year thereafter until the principal and
29 interest on all bonds issued by the treasurer of state pursuant
30 to section 12.87 are paid, as determined by the treasurer of
31 state, the first fifty-five million dollars of the moneys
32 directed to be deposited in the general fund of the state under
33 subparagraph subdivision (i) shall be deposited in the revenue
34 bonds debt service fund created in section 12.89, and the next
35 five three million seven hundred fifty thousand dollars of the

1 moneys directed to be deposited in the general fund of the
 2 state under subparagraph subdivision (i) shall be deposited
 3 in the revenue bonds federal subsidy holdback fund created
 4 in section 12.89, and the next one million two hundred fifty
 5 thousand dollars of the moneys directed to be deposited in the
 6 general fund of the state under subparagraph subdivision (i)
 7 shall be deposited in the general fund of the state.

8 (b) The next fifteen million dollars of the moneys directed
 9 to be deposited in the general fund of the state in a fiscal
 10 year pursuant to sections 99D.17 and 99F.11 shall be deposited
 11 in the vision Iowa fund created in section 12.72 for the fiscal
 12 year beginning July 1, 2000, and for each fiscal year through
 13 the fiscal year beginning July 1, 2019.

14 (c) The next five million dollars of the moneys directed to
 15 be deposited in the general fund of the state in a fiscal year
 16 pursuant to sections 99D.17 and 99F.11 shall be deposited in
 17 the school infrastructure fund created in section 12.82 for the
 18 fiscal year beginning July 1, 2000, and for each fiscal year
 19 thereafter until the principal and interest on all bonds issued
 20 by the treasurer of state pursuant to section 12.81 are paid,
 21 as determined by the treasurer of state.

22 (d) (i) The total moneys in excess of the moneys deposited
 23 in the revenue bonds debt service fund, the revenue bonds
 24 federal holdback subsidy fund, the vision Iowa fund, the
 25 school infrastructure fund, and the general fund of the
 26 state in a fiscal year shall be deposited in the rebuild Iowa
 27 infrastructure fund and shall be used as provided in this
 28 section, notwithstanding section 8.60.

29 (ii) However, in lieu of the deposit in subparagraph
 30 subdivision (i), for the fiscal year beginning July 1, 2010,
 31 and for each fiscal year thereafter until the principal and
 32 interest on all bonds issued by the treasurer of state pursuant
 33 to section 12.87 are paid, as determined by the treasurer
 34 of state, ~~fifty-five~~ sixty-four million seven hundred fifty
 35 thousand dollars of the excess moneys directed to be deposited

1 in the rebuild Iowa infrastructure fund under subparagraph
 2 subdivision (i) shall be deposited in the general fund of the
 3 state.

4 (2) If the total amount of moneys directed to be deposited
 5 in the general fund of the state under sections 99D.17 and
 6 99F.11 in a fiscal year is less than the total amount of moneys
 7 directed to be deposited in the revenue bonds debt service
 8 fund and the revenue bonds federal subsidy holdback fund in
 9 the fiscal year pursuant to this paragraph "e", the difference
 10 shall be paid from moneys deposited in the beer and liquor
 11 control fund created in section 123.53 in the manner provided
 12 in section 123.53, subsection 3.

13 (3) After the deposit of moneys directed to be deposited
 14 in the general fund of the state, and the revenue bonds debt
 15 service fund, and the revenue bonds federal subsidy holdback
 16 fund, as provided in subparagraph (1), subparagraph division
 17 (a), if the total amount of moneys directed to be deposited
 18 in the general fund of the state under sections 99D.17 and
 19 99F.11 in a fiscal year is less than the total amount of
 20 moneys directed to be deposited in the vision Iowa fund and
 21 the school infrastructure fund in the fiscal year pursuant to
 22 this paragraph "e", the difference shall be paid from lottery
 23 revenues in the manner provided in section 99G.39, subsection
 24 3.

25 Sec. 75. Section 8.57, subsection 6, paragraph f, Code
 26 Supplement 2009, is amended to read as follows:

27 f. There is appropriated from the rebuild Iowa
 28 infrastructure fund to the secure an advanced vision for
 29 education fund created in section 423F.2, for each fiscal year
 30 of the fiscal period beginning July 1, 2008, and ending June
 31 30, ~~2014~~, 2010, and for each fiscal year of the fiscal period
 32 beginning July 1, 2011, and ending June 30, 2014, the amount of
 33 the moneys in excess of the first forty-seven million dollars
 34 credited to the rebuild Iowa infrastructure fund during the
 35 fiscal year, not to exceed ten million dollars.

1 Sec. 76. Section 8.57A, subsection 4, Code 2009, is amended
2 to read as follows:

3 4. a. There is appropriated from the rebuild Iowa
4 infrastructure fund for the fiscal ~~year~~ years beginning July
5 1, 2008, July 1, 2009, and July 1, 2011, and for each fiscal
6 year thereafter, the sum of forty-two million dollars to
7 the environment first fund, notwithstanding section 8.57,
8 subsection 6, paragraph "c".

9 b. There is appropriated from the rebuild Iowa
10 infrastructure fund for the fiscal year beginning July 1, 2010,
11 and ending June 30, 2011, the sum of thirty-three million
12 dollars to the environment first fund, notwithstanding section
13 8.57, subsection 6, paragraph "c".

14 Sec. 77. Section 8.57C, subsection 3, Code Supplement 2009,
15 is amended to read as follows:

16 3. a. There is appropriated from the general fund of the
17 state for the fiscal years beginning July 1, 2006, July 1,
18 2007, July 1, ~~2010~~ 2011, and for each subsequent fiscal year
19 thereafter, the sum of seventeen million five hundred thousand
20 dollars to the technology reinvestment fund.

21 b. There is appropriated from the rebuild Iowa
22 infrastructure fund for the fiscal year beginning July 1, 2008,
23 and ending June 30, 2009, the sum of seventeen million five
24 hundred thousand dollars, and for the fiscal year beginning
25 July 1, 2009, and ending June 30, 2010, the sum of fourteen
26 million five hundred twenty-five thousand dollars to the
27 technology reinvestment fund, notwithstanding section 8.57,
28 subsection 6, paragraph "c".

29 c. There is appropriated from the rebuild Iowa
30 infrastructure fund for the fiscal year beginning July 1, 2010,
31 the sum of ten million dollars to the technology reinvestment
32 fund, notwithstanding section 8.57, subsection 6, paragraph
33 "c".

34 Sec. 78. Section 12.87, subsections 1 and 2, Code Supplement
35 2009, are amended to read as follows:

1 1. The treasurer of state is authorized to issue and sell
 2 bonds on behalf of the state to provide funds for certain
 3 infrastructure projects and for purposes of the Iowa jobs
 4 program established in section 16.194. The treasurer of state
 5 shall have all of the powers which are necessary or convenient
 6 to issue, sell and secure bonds and carry out the treasurer of
 7 state's duties, and exercise the treasurer of state's authority
 8 under this section and sections 12.88 through 12.90. The
 9 treasurer of state may issue and sell bonds in such amounts as
 10 the treasurer of state determines to be necessary to provide
 11 sufficient funds for certain infrastructure projects and the
 12 revenue bonds capitals fund, the revenue bonds capitals II
 13 fund, the payment of interest on the bonds, the establishment
 14 of reserves to secure the bonds, the payment of costs of
 15 issuance of the bonds, the payment of other expenditures of
 16 the treasurer of state incident to and necessary or convenient
 17 to carry out the issuance and sale of the bonds, and the
 18 payment of all other expenditures of the treasurer of state
 19 necessary or convenient to administer the funds and to carry
 20 out the purposes for which the bonds are issued and sold.
 21 The treasurer of state may issue and sell bonds in one or
 22 more series on the terms and conditions the treasurer of
 23 state determines to be in the best interest of the state, in
 24 accordance with this section in such amounts as the treasurer
 25 of state determines to be necessary to fund the purposes for
 26 which such bonds are issued and sold, as follows:

27 a. The treasurer of state may issue and sell bonds in
 28 amounts which provide aggregate net proceeds of not more
 29 than ~~five hundred forty-five~~ six hundred ninety-five million
 30 dollars, excluding any bonds issued and sold to refund
 31 outstanding bonds issued under this section, as follows:

32 ~~a.~~ (1) The On or after July 1, 2009, the treasurer of
 33 state may issue and sell bonds in amounts which provide
 34 aggregate net proceeds of not more than one hundred eighty-five
 35 million dollars for capital projects which qualify as vertical

1 infrastructure projects as defined in section 8.57, subsection
 2 6, paragraph "c", to the extent practicable in any fiscal year
 3 and without limiting other qualifying capital expenditures.

4 ~~b.~~ (2) The On or after July 1, 2009, the treasurer of state
 5 may issue and sell bonds in amounts which provide aggregate
 6 net proceeds of not more than three hundred sixty million
 7 dollars for purposes of the Iowa jobs program established
 8 in section 16.194 and for watershed flood rebuilding and
 9 prevention projects, soil conservation projects, sewer
 10 infrastructure projects, for certain housing and public service
 11 shelter projects and public broadband and alternative energy
 12 projects, and for projects relating to bridge safety and the
 13 rehabilitation of deficient bridges.

14 (3) On or after July 1, 2010, the treasurer of state may
 15 issue and sell bonds in amounts which provide aggregate net
 16 proceeds of not more than one hundred fifty million dollars
 17 for purposes of the Iowa jobs II program established in
 18 section 16.194A and for qualified projects in the departments
 19 of agriculture and land stewardship, economic development,
 20 education, natural resources, and transportation, and the Iowa
 21 finance authority, state board of regents, and treasurer of
 22 state.

23 2. Bonds issued and sold under this section are payable
 24 solely and only out of the moneys in the revenue bonds debt
 25 service fund, the revenue bonds federal subsidy holdback
 26 fund, and any bond reserve funds established pursuant to
 27 section 12.89, and only to the extent provided in the trust
 28 indenture, resolution, or other instrument authorizing their
 29 issuance. All moneys in the revenue bonds debt service fund,
 30 the revenue bonds federal subsidy holdback fund, and any bond
 31 reserve funds established pursuant to section 12.89 may be
 32 deposited with trustees or depositories in accordance with
 33 the terms of the trust indentures, resolutions, or other
 34 instruments authorizing the issuance of bonds and pledged by
 35 the treasurer of state to the payment thereof. Bonds issued

1 and sold under this section shall contain a statement that the
 2 bonds are limited special obligations of the state and do not
 3 constitute a debt or indebtedness of the state or a pledge
 4 of the faith or credit of the state or a charge against the
 5 general credit or general fund of the state. The treasurer
 6 of state shall not pledge the credit or taxing power of this
 7 state or any political subdivision of this state or make bonds
 8 issued and sold pursuant to this section payable out of any
 9 moneys except those in the revenue bonds debt service fund,
 10 the revenue bonds federal subsidy holdback fund, and any bond
 11 reserve funds established pursuant to section 12.89.

12 Sec. 79. Section 12.89, subsection 2, Code Supplement 2009,
 13 is amended by adding the following new paragraph:

14 NEW PARAGRAPH. *Od.* Federal subsidies and any transfers
 15 from the revenue bonds federal subsidy holdback fund created
 16 pursuant to section 12.89A.

17 Sec. 80. NEW SECTION. **12.89A Revenue bonds federal subsidy**
 18 **holdback fund.**

19 1. A revenue bonds federal subsidy holdback fund is created
 20 and established as a separate and distinct fund in the state
 21 treasury. The treasurer of state shall act as custodian of the
 22 fund and disburse moneys contained in the fund.

23 2. The moneys in such fund shall include all of the
 24 following:

25 *a.* The revenues required to be deposited in the fund
 26 pursuant to section 8.57, subsection 6, paragraph "e",
 27 subparagraphs (1) and (2).

28 *b.* Interest attributable to investment moneys in the fund.

29 *c.* Any other moneys from any other sources which may be
 30 legally available to the treasurer of state for the purpose of
 31 the fund.

32 3. The moneys in the revenue bonds federal subsidy holdback
 33 fund are appropriated and shall be used or transferred to the
 34 revenue bonds debt service fund created in section 12.89,
 35 subsection 1, solely for the purpose of making payments of

1 principal and interest on federal subsidy bonds when due, if
2 the treasurer of state or the treasurer's designee has not
3 received a federal subsidy scheduled to be received for such
4 payment by the due date.

5 4. The moneys on deposit in the revenue bonds federal
6 subsidy holdback fund shall be used or transferred to the
7 revenue bonds debt service fund created in section 12.89,
8 subsection 1, solely for the purpose of making payments of
9 principal and interest on federal subsidy bonds prior to any
10 use or transfer of moneys on deposit in any bond reserve fund
11 created for such federal subsidy bonds by the treasurer of
12 state pursuant to section 12.89, subsection 3, paragraph "a".

13 5. At any time during each fiscal year that there are moneys
14 on deposit in the revenue bonds federal subsidy holdback fund
15 that are not needed to pay principal and interest on federal
16 subsidy bonds during such fiscal year as determined by the
17 treasurer of state or the treasurer's designee, such moneys on
18 deposit in the revenue bonds federal subsidy holdback account
19 shall be credited to the rebuild Iowa infrastructure fund of
20 the state.

21 6. For purposes of this section:

22 a. *"Federal subsidy"* means any payment from the federal
23 government with respect to federal subsidy bonds.

24 b. *"Federal subsidy bonds"* means any bonds issued and
25 sold pursuant to section 12.87 for which a federal subsidy is
26 expected to be paid on or before any date on which interest on
27 such bonds is due and payable.

28 Sec. 81. Section 15F.204, subsection 8, paragraph a,
29 subparagraph (6), Code Supplement 2009, is amended by striking
30 the subparagraph.

31 Sec. 82. Section 15F.204, subsection 8, paragraph b,
32 subparagraph (4), Code Supplement 2009, is amended by striking
33 the subparagraph.

34 Sec. 83. Section 16.181A, Code 2009, is amended to read as
35 follows:

1 **16.181A Housing trust fund — appropriations.**

2 1. There is appropriated from the rebuild Iowa
3 infrastructure fund to the Iowa finance authority for deposit
4 in the housing trust fund created in section 16.181, for the
5 fiscal year beginning July 1, 2009, and ending June 30, 2010,
6 and for each succeeding fiscal year, the sum of three million
7 dollars.

8 2. There is appropriated from the rebuild Iowa
9 infrastructure fund to the Iowa finance authority for deposit
10 in the housing trust fund created in section 16.181, for the
11 fiscal year beginning July 1, 2010 and ending June 30, 2011,
12 the sum of one million dollars.

13 Sec. 84. Section 16.192, subsections 2 and 4, Code
14 Supplement 2009, are amended to read as follows:

15 2. Establish the Iowa jobs program pursuant to section
16 16.194 and the Iowa jobs II program pursuant to section
17 16.194A.

18 4. Award financial assistance, including financial
19 assistance in the form of grants under the Iowa jobs program
20 pursuant to sections 16.194, 16.194A, and 16.195.

21 Sec. 85. Section 16.193, subsection 2, Code Supplement
22 2009, is amended to read as follows:

23 2. During the term of the Iowa jobs program established
24 in section 16.194 and the Iowa jobs II program established
25 in section 16.194A, two hundred thousand dollars of the
26 moneys deposited in the rebuild Iowa infrastructure fund
27 shall be allocated each fiscal year to the Iowa finance
28 authority for purposes of administering the Iowa jobs program,
29 notwithstanding section 8.57, subsection 6, paragraph "c".

30 Sec. 86. NEW SECTION. **16.194A Iowa jobs II program —**
31 **disaster prevention.**

32 1. An Iowa jobs II program is created to assist in the
33 development and completion of public construction projects
34 relating to disaster prevention.

35 2. A city or county in this state that applies the smart

1 planning principles and guidelines pursuant to sections 18B.1
2 and 18B.2, as enacted in this Act, may submit an application
3 to the Iowa jobs board for financial assistance for a local
4 infrastructure competitive grant for an eligible project under
5 the program, notwithstanding any limitation on the state's
6 percentage in funding as contained in section 29C.6, subsection
7 17.

8 3. Financial assistance under the program shall be awarded
9 in the form of grants.

10 4. The board shall consider the following criteria in
11 evaluating eligible projects to receive financial assistance
12 under the program:

13 a. The total number and quality of jobs to be created and
14 the benefits likely to accrue to areas distressed by high
15 unemployment.

16 b. Financial feasibility, including the ability of projects
17 to fund depreciation costs or replacement reserves, and the
18 availability of other federal, state, local, and private
19 sources of funds.

20 c. Sustainability and energy efficiency.

21 d. Benefits for disaster prevention.

22 e. The project's readiness to proceed.

23 5. An applicant must demonstrate local support for the
24 project as defined by rule.

25 6. Any award of financial assistance to a project shall
26 be limited to up to ninety percent of the total cost of the
27 development and completion of a public construction project
28 relating to disaster prevention.

29 7. In order for a project to be eligible to receive
30 financial assistance from the board, the project must be a
31 public construction project pursuant to subsection 1 with a
32 demonstrated substantial local, regional, or statewide economic
33 impact.

34 8. The board shall not approve an application for assistance
35 for any of the following purposes:

1 *a.* To refinance a loan existing prior to the date of the
2 initial financial assistance application.

3 *b.* For a project that has previously received financial
4 assistance under the program, unless the applicant demonstrates
5 that the financial assistance would be used for a significant
6 expansion of a project.

7 9. Any portion of an amount allocated for projects
8 that remains unexpended or unencumbered one year after the
9 allocation has been made may be reallocated to another project
10 category, at the discretion of the board. The board shall
11 ensure that all bond proceeds be expended within three years
12 from when the allocation was initially made.

13 10. The board shall ensure that funds obligated under
14 this section are coordinated with other federal program funds
15 received by the state, and that projects receiving funds are
16 located in geographically diverse areas of the state.

17 11. An applicant or combination of applicants for a project
18 within the same county shall not be awarded more than forty
19 percent of the funds available under this program.

20 Sec. 87. Section 16.195, subsection 2, Code Supplement
21 2009, is amended to read as follows:

22 2. A review committee composed of members of the
23 board as determined by the board shall review Iowa jobs
24 program applications submitted to the board and make
25 recommendations regarding the applications to the board. When
26 reviewing the applications, the review committee and the
27 authority shall consider the project criteria specified in
28 ~~section~~ sections 16.194 and 16.194A. The board shall develop
29 the appropriate level of transparency regarding project fund
30 allocations.

31 Sec. 88. Section 26.3, subsection 2, Code Supplement 2009,
32 is amended to read as follows:

33 2. A governmental entity shall have an engineer licensed
34 under chapter 542B, a landscape architect licensed under
35 chapter 544B, or an architect registered under chapter

1 544A prepare plans and specifications, and calculate the
 2 estimated total cost of a proposed public improvement. A
 3 governmental entity shall ensure that a sufficient number
 4 of paper copies of the project's contract documents, including
 5 all drawings, plans, specifications, and estimated total costs
 6 of the proposed public improvement are made available for
 7 distribution at no charge to prospective bidders, subcontractor
 8 bidders, suppliers, and contractor plan room services. If
 9 a deposit is required as part of a paper contract documents
 10 distribution policy by the public owner, the deposit shall
 11 not exceed two hundred fifty dollars per set which shall be
 12 refunded upon return of the contract documents within fourteen
 13 days after award of the project. If the contract documents are
 14 not returned in a timely manner and in a reusable condition,
 15 the deposit shall be forfeited. The governmental entity shall
 16 reimburse the landscape architect, architect, or professional
 17 engineer for the actual costs of preparation and distribution
 18 of plans and specifications.

19 Sec. 89. NEW SECTION. 73.14 Minority-owned and female-owned
 20 businesses — bond issuance services.

21 1. The state, board of regents institutions, counties,
 22 townships, school districts, community colleges, cities, and
 23 other public entities, and every person acting as contracting
 24 agent for any such entity, shall, when issuing bonds or other
 25 obligations, make a good-faith effort to utilize minority-owned
 26 and female-owned businesses for attorneys, accountants,
 27 financial advisors, banks, underwriters, insurers, and other
 28 occupations necessary to carry out the issuance of bonds or
 29 other obligations by the entity.

30 2. For purposes of this section:

31 *a. "Female-owned business"* means a business that is
 32 fifty-one percent or more owned, operated, and actively managed
 33 by one or more women.

34 *b. "Minority-owned business"* means a business that is
 35 fifty-one percent or more owned, operated, and actively managed

1 by one or more minority persons.

2 Sec. 90. Section 123.53, subsections 3 and 4, Code
3 Supplement 2009, are amended to read as follows:

4 3. Notwithstanding subsection 2, if gaming revenues under
5 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
6 meet the total amount of such revenues directed to be deposited
7 in the revenue bonds debt service fund and the revenue bonds
8 federal subsidy holdback fund during the fiscal year pursuant
9 to section 8.57, subsection 6, paragraph "e", the difference
10 shall be paid from moneys deposited in the beer and liquor
11 control fund prior to transfer of such moneys to the general
12 fund pursuant to subsection 2 and prior to the transfer of such
13 moneys pursuant to subsections 5 and 6. If moneys deposited in
14 the beer and liquor control fund are insufficient during the
15 fiscal year to pay the difference, the remaining difference
16 shall be paid from moneys deposited in the beer and liquor
17 control fund in subsequent fiscal years as such moneys become
18 available.

19 4. The treasurer of state shall, each quarter, prepare
20 an estimate of the gaming revenues and of the moneys to be
21 deposited in the beer and liquor control fund that will become
22 available during the remainder of the appropriate fiscal year
23 for the purposes described in subsection 3. The department
24 of management, the department of inspections and appeals, and
25 the department of commerce shall take appropriate actions to
26 provide that the sum of the amount of gaming revenues available
27 to be deposited into the revenue bonds debt service fund during
28 a fiscal year and the amount of moneys to be deposited in the
29 beer and liquor control fund available to be deposited into
30 the revenue bonds debt service fund and the revenue bonds
31 federal subsidy holdback fund during such fiscal year will be
32 sufficient to cover any anticipated deficiencies.

33 Sec. 91. Section 327H.20A, subsection 3, Code Supplement
34 2009, is amended to read as follows:

35 3. Notwithstanding any other provision to the contrary,

1 on or after July 1, 2006, moneys received as repayments for
2 loans made pursuant to this chapter or chapter 327I, Code 2009,
3 before, on, or after July 1, 2005, other than repayments of
4 federal moneys subject to section 327H.21, shall be credited to
5 the railroad revolving loan and grant fund. Notwithstanding
6 section 8.33, moneys in the railroad revolving loan and grant
7 fund shall not revert to the ~~general fund of the state fund~~
8 from which it was appropriated but shall remain available
9 indefinitely for expenditure under this section.

10 Sec. 92. Section 327J.2, subsection 3, Code Supplement
11 2009, is amended to read as follows:

12 3. *No reversion.* Notwithstanding section 8.33, any balance
13 in the fund on June 30 of any fiscal year shall not revert
14 to the ~~general fund of the state fund~~ from which it was
15 appropriated.

16 Sec. 93. REPEAL. Sections 8.57D, 12.90A, 12.90B, 12.90C,
17 16.185, 16.186, 16.187, and 313.68, Code Supplement 2009, are
18 repealed.